

Fall 9-1-2005

Law School Record, vol. 52, no. 1 (Fall 2005)

Law School Record Editors

Follow this and additional works at: <http://chicagounbound.uchicago.edu/lawschoolrecord>

Recommended Citation

Law School Record Editors, "Law School Record, vol. 52, no. 1 (Fall 2005)" (2005). *The University of Chicago Law School Record*. Book 93.

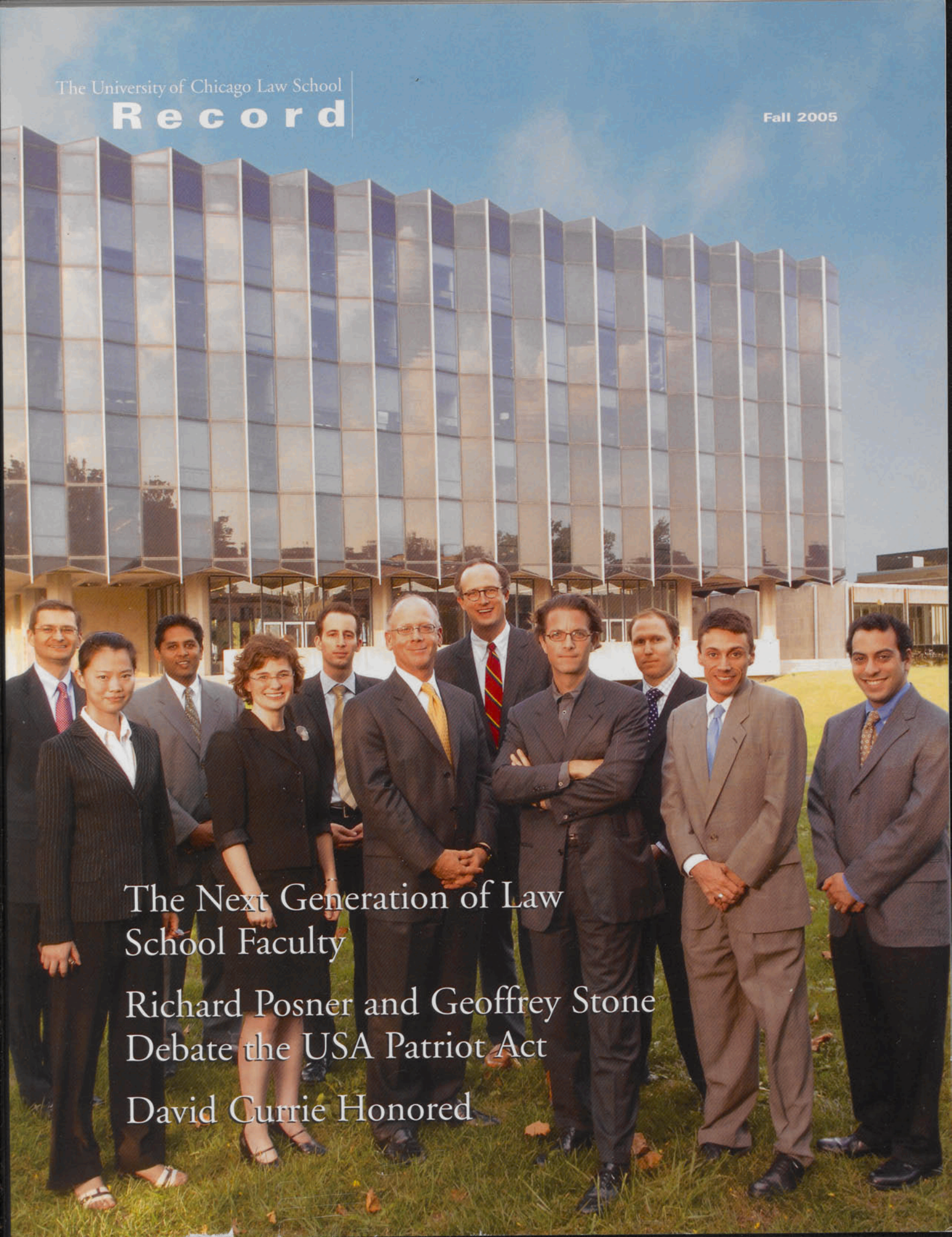
<http://chicagounbound.uchicago.edu/lawschoolrecord/93>

This Book is brought to you for free and open access by the Law School Publications at Chicago Unbound. It has been accepted for inclusion in The University of Chicago Law School Record by an authorized administrator of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.

The University of Chicago Law School

Record

Fall 2005



The Next Generation of Law
School Faculty

Richard Posner and Geoffrey Stone
Debate the USA Patriot Act

David Currie Honored

The University of Chicago Law School **Record**

Fall 2005
The University of Chicago Law School

Saul Levmore
Dean and William B. Graham
Professor of Law

Jonathan S. Stern
Associate Dean for External Affairs

Editor
Kirston Fortune

Class Notes Editors
Leslie Scolnick Hauser
Melissa Scott

Class Correspondents
48 Affable Alumni

Contributing Author
Amanda Bradley

Contributing Photographer
Lloyd DeGrane

Design
VisuaLingo

Cover Photograph by Lloyd DeGrane

Publisher
The University of Chicago Law School
Office of External Affairs
1111 East 60th Street
Chicago, Illinois 60637
www.law.uchicago.edu
telephone: (773) 702-9486
fax: (773) 702-9628

Comments? Please write to Kirston Fortune at
kfortune@uchicago.edu

The University of Chicago Law School Record
(ISSN 0529-097X) is published for alumni, faculty,
and friends of the Law School.

Vol 52, Number 1

© 2005 by The University of Chicago Law School

Reproduction in whole or part, without permission
of the publisher, is prohibited.

CONTENTS

FALL 2005

3 David P. Currie Honored

4 Commencement Remarks to the Class of 2005

"Whatever you do, you'll do it better for having been here; for the tools of legal analysis are the tools of clear thinking in general," said Professor David P. Currie during his Commencement remarks to this year's graduating class. His thoughts are reprinted here, with photographs of the members of the Class of 2005 by Lloyd DeGrane.

7 Our Next Term: Saul Levmore Continues as Dean

Saul Levmore will serve another term as dean. Read about the accomplishments of his first term and his plans for the next. Story by Kirston Fortune with contributions from Jay Vanasco. Photographs by Lloyd DeGrane.

10 Taxing Obesity or Perhaps the Opposite

"What distinguishes smoking, college education, fisheries, child safety seats, and unsafe driving from fatty foods, sedentary lifestyles, day trading of stock, driving in foul weather, and sunburns?" The answer can be found in this thought-provoking piece by the Law School's twelfth dean, Saul Levmore.

16 Plumbing the Carceral Imagination

How educational can pornography be? Very much so, it turns out—at least in the hands of criminal law professor Bernard Harcourt. Story by Gerald DeJaager, photographs by Virgil Marti.

18 Making Institutions Matter

Nirav Shah, a JD/MD student at the University of Chicago, was awarded the prestigious Paul & Daisy Soros Fellowship for New Americans. Last summer Shah used the fellowship to work with Cambodian officials to help reform their justice system. In this article he reports on his efforts. Story and photographs by Nirav Shah.

22 Do the Benefits Exceed the Costs?

The 2001 USA Patriot Act is one of the most controversial acts of the current Bush administration. With certain of its provisions up for legislative review, interest in the USA Patriot Act is as high as ever, which is why hundreds of people crowded into the Celeste Bartos Forum at the New York Public Library on September 20, 2005 to hear what Judge Richard Posner and Professor Geoffrey Stone had to say about it. Story by Kirston Fortune, photographs by Peter Foley.

24 MobBlogging: Changing Legal Scholarship?

Randal C. Picker introduces the next wave in blogging: MobBlogging. In this article, he tells us what it means to mob.

2 Message from the Dean

21 Clinic News

New clinical professor, Melissa Mather
Victory for the Appellate Advocacy Clinic

26 Faculty News

New Faculty Profile: Jake Gerson
New Faculty Profile: Todd Henderson
New Faculty Profile: Tom Miles
Faculty Scholarship

34 Faculty Books

The Constitution in Congress, by David P. Currie

36 Alumni Profiles

Martin Jacobson
Debra Cafaro
Jan and Douglas Greenburg
Gregory Siskind

40 In Memoriam

41 Class Notes

Message from the Dean



We unveiled a new addition to the hallway in the classroom wing this fall: a lively portrait of David Currie. Artist James Ingwersen captured the sparkle and warmth that is such a vital part of what has made Professor Currie so popular with generations of students, as well as with his colleagues. Professor Currie arrived here some forty-three years ago, and his unswerving devotion to the place, and to the sorts of ideas and values that make it great, inspire us all. You will find out more about the Currie portrait in this *Record*, but I invite you to come view it yourself.

If you come soon enough, you will have the opportunity to meet our newest set of students. The 1L class is already impressing my colleagues, and it was fun to greet them all during orientation. The class comes from near and far, and reflects experiences in Teach for America, Divinity School, Medical School, an organization that works with Asian immigrants, and more than 180 other unique histories. We have also welcomed four Hurricane Katrina evacuees who will spend the fall quarter with us. Our LLM class of fifty has more students from Japan and China than in the past, and is already integrating well with our JD students. Overall, the place is lively and intense and, dare I say, fun.

As I write this, we had just launched our University of Chicago Law School Faculty Blog, a ("web log" or) website on which faculty will regularly post ideas and reactions—and be joined by comments from students, alumni, and (I suppose) anyone who cares to join in. I believe that we are the first law school to advance ideas in cyberspace in this manner. You can find this exchange of ideas through our own homepage. I look forward to your participation in this venture which, like so much new technology, promises to increase the pace of all that we do. May we shine at any speed!

Saul Levmore

PROFESSOR CURRIE HONORED

At the beginning of the Fall quarter, the Law School honored Professor David P. Currie by adding his portrait to the gallery. Professor Currie taught and influenced many generations of law students since he joined the faculty in 1962. His long and distinguished career includes authoring three major casebooks: *Cases and Materials on Federal Courts*, *Cases and Materials on Pollution*, and *Cases and Materials on Conflict of Laws*. He is the author of numerous articles and several books, including *The Constitution in the Supreme Court: the First Hundred Years*, *The Second Century*, and *The Constitution of the Federal Republic of Germany*. His multi-volume work, *The Constitution in Congress*, includes *The Federalist Period*, *The Jeffersonians*, and *Democrats and Whigs*. A fourth volume, *Descent into the Maelstrom*, is due out later this fall.

Currie earned his BA from the University of Chicago in 1957, and an LLB from Harvard Law School in 1960, where he was the developments editor of the *Harvard Law Review*. Following his graduation from law school, Currie was law clerk first to Judge Henry J. Friendly and then to Justice Felix Frankfurter. He joined the University of Chicago Law School faculty in 1962 and became a full Professor of Law in 1968. In 1977 he was appointed the Harry N. Wyatt Professor of Law and, in 1991, was named Edward H. Levi Distinguished Service Professor of Law.

Unveiled during the annual meeting of the Law School's Visiting Committee, the portrait was painted by James Jay Ingwersen, a distinguished artist with a remarkable portfolio. In addition to creating portraits for other Law School luminaries such as Walter Blum, Soia Mentschikoff, and Karl Llewellyn, Ingwersen painted the portraits of Frank Easterbrook, '73, Judge on the United States Court of Appeals for the Seventh Circuit, and Justice John Paul Stevens of the United States Supreme Court.



COMMENCEMENT REMARKS TO THE CLASS *of* 2005

DAVID P. CURRIE

Congratulations! You have just completed boot camp—a boot camp every bit as rigorous and exacting as you could find in the Marines.

It's been exciting, hasn't it? For many of us, the study of law is the intellectual experience of a lifetime. To wrestle with *Palsgraf*, *Pierson*, and the two ships *Peerless*, with *Marbury*, *McCulloch*, and *McCardle*—it's heady stuff.

And it's hard, isn't it? Don't let them tell you law is easy; it's as intellectually challenging as anything you'll encounter. That they pay us to think about such questions is one of the wonders of the Western world.

Now you are ready to go out and put your legal skills to work—in law, in government, in business, in the academy. Whatever you do, you'll do it better for having been here; for the tools of legal analysis are the tools of clear thinking in general.

I hope you're proud of your accomplishment. We who are among your teachers are surely proud of you. I say among your teachers because you've surely taught each other more than you've learned from us—in your interchanges in class, your study groups, your informal conversations, your student-run organizations like moot court, the clinics, and the journals.

For, as you've discovered, you can't really understand the law by reading books, listening to lectures, and memorizing rules. You'd only forget them, and they'd change them anyway. You can't understand the law until you make it your own by restating it, arguing about it, applying it to new situations. It's the process that counts, not the material.

So you should be proud of your achievement. Your employers tell us you're superbly qualified to practice law—that is, to learn how to practice law. It took me

twenty-five years to understand why they called graduation “commencement.” I always thought it odd to call the end the beginning. But it is the beginning, isn’t it? All your education makes you ready to learn; be sure you never stop.

You should be proud of your profession too. The practice of law has come in for a good deal of ribbing, some of it in good fun (I’ll spare you examples), some overgeneralizing from the misbehavior of a small minority to which you will never belong. But the law is a noble profession. The rule of law is one of our proudest boasts, the product of democratic self-determination, the bulwark of our freedom. As Burke said, where the law ends, tyranny begins.

But the law doesn’t administer itself. Rights cannot

be protected without advocates to assert them. It is the peculiar responsibility of the legal profession to assert those rights and to defend and uphold the law. As my colleague David Strauss said only the other day, “Doctors protect people against the ravages of disease. Lawyers protect people against the ravages of injustice.”



Carol Lin



Gautham Bodepudi

When one of Shakespeare’s characters says the first thing to do is kill all the lawyers, it’s not another bad joke about the legal profession. It’s not Shakespeare himself speaking even in fun. He puts the words in the mouth of a rabble-rousing demagogue who wants to put an end to law and order and liberty and knows it’s hard to do while there are courts and judges and lawyers to defend them.

It is no less praiseworthy to defend those whom society disdains. Edward Bennett Williams was called a Fascist for defending Senator Joe McCarthy and a Communist for defending his victims. As Williams himself said, we don’t condemn the doctor who heals the sick or the priest who



In front, Shawna Doran, followed by Brett Doran and Thad Davis

ministers to the sinner; no more should we condemn the lawyer who defends those who find themselves on the wrong side of the law.

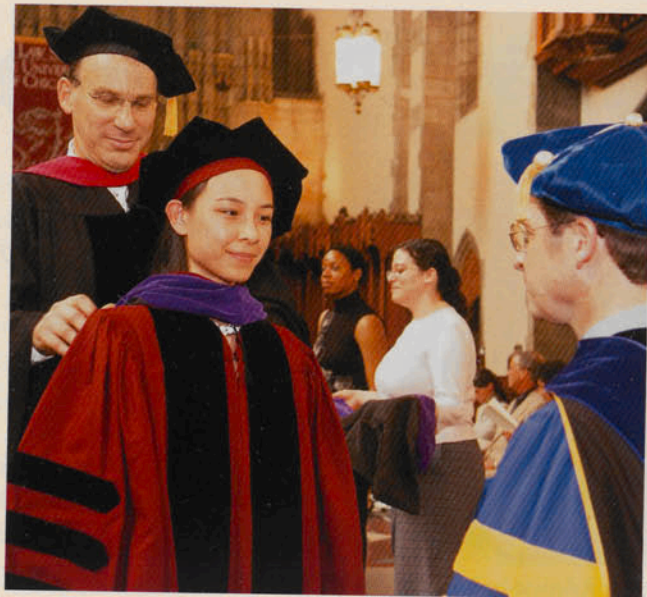
So don't let them tell you the law isn't a noble profession. And don't let them tell you there's no such thing as law, that the law is infinitely malleable, that it's mere window-dressing to prettify a conclusion already reached on other grounds.

The legal realists and their successors performed a real service by opening our eyes to the fact that judging is not a mechanical process, that it involves the exercise of judgment and often interstitial policymaking, that judges sometimes abuse their authority by manipulating the law to reach a preconceived and erroneous result. But to say some judges abuse their authority is not to prove that all do. The books are full of instances—from Justice Bushrod Washington in *Ogden v. Saunders* to Justice Frankfurter in the flag-salute cases—in which the law constrained judges to reach results contrary to their own notions of good policy, in recognition of the important truth that the basic power to make law is not given to courts in a democracy.

Nor does the fact that some judges ignore the law prove it's a good thing.



Chris Roch



Professor David Strauss, Elizabeth Wang, and Professor Douglas Baird

We must avoid equating the descriptive question of what exists with the normative question of what ought to be.

So I leave you with three lessons: The law is an endlessly challenging and demanding intellectual discipline; the law is a worthy and noble profession; the law is not just what some unelected judge had for breakfast, but a real constraint on arbitrary action, the mainstay of our civil rights and liberties.

Go ye then into the world; employ your hard-earned skills; apply them to make the world a better place; and remember fondly your days at the Law School.

Thank you!



Carli Spina



David Potterbaum and Emily Popp



Scott Eisenberg and his sister Lesley Eisenberg

OUR NEXT TERM

Nearly five years ago Saul Levmore took office as the twelfth dean of the University of Chicago Law School. His challenge was to expand the school's exceptional academic standards. In the past five years he has done that and more—under his leadership the Law School has added brilliant new faculty, improved curriculum and pedagogy, drawn up a slate of new programs for students and alumni, and initiated a series of public initiatives that address important social and political issues. Additionally, Dean Levmore has overseen a major renovation of facilities. His next term promises more of the same.

SAUL LEVMORE CONTINUES AS DEAN

and Elizabeth Milnikel. Mather is profiled on page 21 and readers can look forward to an article on Kosuri and Milnikel in an upcoming issue.

Another new face is this year's Olin Fellow, Ruoying Chen, LL.M. '05, who comes to us from Peking University and St. Anne's College, Oxford University. She is "on loan" to the Law School from the international law firm Freshfields Bruckhaus Deringer, and she is working closely with Levmore on a series of initiatives designed to bring Chinese lawyers and legal scholars into conversation with their western counterparts.

New faculty members add even greater depth to a famously deep bench.

Of this new talent, Levmore said: "They are already beginning to come into their own. They really are enhancing what was already the finest law faculty in the country." These new faculty members add even greater depth to a famously deep bench.

IMPROVING STUDENT LIFE

Levmore has also instituted a series of new ideas for improvements in how law is taught. In the first weeks of his deanship, Levmore had a series of conversations with then-Faculty Director for Academic Affairs Emily Buss about how to make the experience of being a Law School student even richer. One of the things they discussed was creating a program that would encourage greater levels of faculty-student interaction. The idea was that faculty members would teach a seminar-style class in their living rooms, on topics of their choosing. These became known as the Greenberg Seminars, and have led to some unlikely, if enticing, pairings—Martha Nussbaum and Richard Posner discussing the plays of William Shakespeare and George Bernard Shaw; Cass Sunstein and Douglas Lichtman analyzing graphic novels such as the *Watchmen*, to name only two of a wide array of topics. "The substance of the discussion groups gives participants the chance to read and discuss material far beyond casebooks and study aids," wrote seminar participant Richard Hess, '04.

HUMAN CAPITAL

When Saul Levmore became dean in the summer of 2001, he took charge one of the leading lights of American legal education. He recognized the greatness of this school, and devoted himself to making it even better. Levmore's first love is teaching, and he recognizes that the most important quality in any law school is the quality of its instructors. The strategy, Levmore said, is to take promising young faculty and grow them into excellent Chicago researchers and teachers.

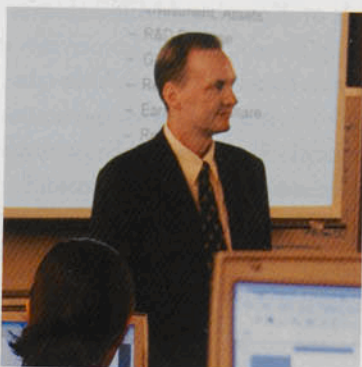
During Levmore's first term, seven new academic faculty members have become part of our community, including Adam Cox, Jake Gerson, Bernard Harcourt, Todd Henderson,



Left to right: Tom Miles, Ruoying Chen, Praveen Kosuri, Elizabeth Milnikel, Adam Cox, Saul Levmore, Todd Henderson, Bernard Harcourt, Jake Gerson, Adam Samaha, Lior Strahilevitz

Tom Miles, Adam Samaha, and Lior Strahilevitz. *Record* readers have met several of these new faculty members in recent issues; Gerson, Henderson, and Miles are profiled on pages 26–27 of this issue. They are joined by four new clinical teachers: Praveen Kosuri, Jeff Leslie, Melissa Mather,

Another new idea is the “mini” or “intensive course.” These are short, one-credit offerings that enrich the curriculum with visiting professors who have special expertise in the course’s subject matter. One of the most popular of these is Legal Elements of Accounting, taught by John Sylla, JD/MBA ’85. The course teaches students, among other things, how to undertake a critical reading of financial statements—a decidedly useful skill for graduates to possess. Beyond that,



John Sylla

Sylla said, “It’s important for lawyers to have a basic understanding of the language of business.”

Other mini-course offerings include Crime Policy, taught by a gun control expert; Psychological Aspects of Law, taught by a statistician; and Right to Counsel in the Criminal Justice

and Prison System, taught by a noted human rights attorney. “We will continue to enrich our offerings with these short courses,” Levmore wrote, “Even as our curriculum adheres to the strategy of focusing first on assembling a faculty of great teachers, and second on insisting that however much we like to theorize and incorporate other disciplines, a central task is to train lawyers, and to train them to think carefully, imaginatively, and rigorously.”



Left to right: Melissa Mather, Jeff Leslie, and Saul Levmore

In further collaboration with the faculty, Levmore also introduced a new series of lunchtime programs. “Chicago’s Best Ideas” is a lecture series where students gather for lunch and conversation around topics chosen by the presenting faculty member. Topics for the Fall 2005 quarter include Levmore discussing the “The Wisdom of Crowds and the

Future of Experts” and Cass Sunstein speaking on “Beyond Marbury: The President’s Power To Say What the Law Is.” These lunchtime conversations have proven to be wildly popular with the students—often, they are standing-room-only events.

PUBLIC INITIATIVES, EMERGING TECHNOLOGIES

Levmore has ambitions beyond the University campus—he wants to bring the “Chicago way” to the wider world. These initiatives utilize the considerable human capital here at the Law School and harness emerging technologies to reach ever-larger audiences.

“Our central task is to train lawyers, and to train them to think carefully, imaginatively, and rigorously.”

When Levmore was discussing the future of the Law School with Buss, they raised the possibility of establishing a framework for projects that would be loosely known as “The Chicago Policy Initiatives.” These initiatives tackle problems of national importance, offering solutions or, at a minimum, spurring further work on the subject. They generally take a year or two to complete. “We have the expertise, the perspective, and the visibility to affect discussion [on these issues],” Levmore said. “I think we should be doing that. There’s no reason why the policy agenda should

be set only by government and ideologically-committed organizations.” Several Policy Initiatives are currently underway—Cass Sunstein’s Judges Project, which found that judges are strongly influenced by their fellow panelists on the bench, has been widely covered in the national media as well as in a previous issue of the *Record*. Readers will be able to learn about Emily Buss’s

project on teenagers aging out of foster care in our next issue.

The Law School has launched a series of projects that utilize emerging technologies. Faculty members are blogging like mad—notable faculty blogs include The Becker-Posner Blog (find it at <http://www.becker-posner-blog.com>); and Randall Picker’s MobBlog (find it at <http://picker.typepad.com>)

and read his thoughts about blogging on page 24). The latest addition is The Faculty Blog (which can be found at <http://uchicagolaw.typepad.com>). The hope is that people will use The Faculty Blog as a forum in which to exchange nascent ideas with each other and also a wider audience, and to hear feedback about which ideas are compelling and which could use some retooling.

Other uses of new and emerging technologies are in the offing as well. Levmore hopes that the new interactive *Occasional Papers* will inspire ever greater levels of alumni participation. A Chinese language website geared toward Chinese legal scholars will soon launch, and a website aimed at other non-American legal scholars is also in the works.

A REVITALIZED WING

As student, faculty, and alumni programs recently have entered the digital age, so has the Law School's building. (Or one wing of it, anyway.) Students were astonished to return from summer break last year to find

best new audio-visual, heating and cooling, and lighting systems available. The auditorium, once seldom used, is now a full-time classroom that seats an entire section. The whole wing is now fully wheelchair accessible.

CENTENNIAL CAPITAL CAMPAIGN

All these ambitious changes required capital. In conjunction with the University, the Law School launched the Centennial Capital Campaign. It began with a set of goals: attract



Ruoying Chen and Todd Henderson

and sustain the finest faculty; provide generous student scholarships and continue to make the school more student friendly; revitalize the classroom wing and the library tower; and enhance intellectual and practical initiatives.

Levmore is committed to seeing the campaign reach its \$100 million dollar goal. We have a few years yet before the campaign is completed, but the Law School community is already enjoying its fruits.

In the years to come, the Law School will continue these initiatives and add even more. In the near future, the library tower will undergo a radical

modernization. The number and type of student scholarships will increase. Rising stars in legal academia will vie for positions here. Human capital will continue to flourish. And this place, so remarkable in its first hundred years, will prove even more so in its second century.



Left to right: Adam Cox, Jake Gerson, Saul Levmore, and Tom Miles

this part of life at the Law School so vastly improved. In the summer of 2004, the classroom wing of the Law School was completely gutted and refurbished. The auditorium, courtroom, classrooms, lower level, and seminar rooms were totally transformed: natural light now fills the lower concourse, classrooms and seminar rooms now have the

Taxing **OBESITY** *or Perhaps the Opposite*

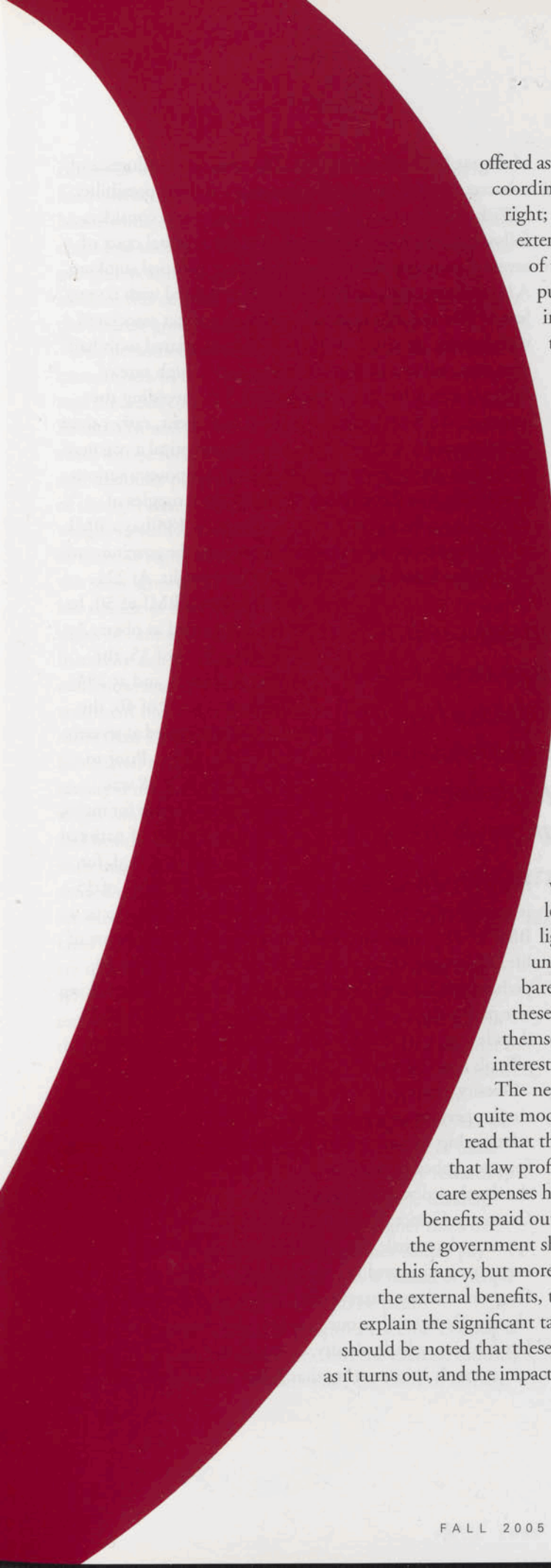
Saul Levmore

The larger subject here is the question of why we regulate some things and not others, and then how we might predict future regulation. Let me begin with my conclusion, to be developed at greater length in other work. Its academic novelty will be the notion that a fair amount of regulation is best understood as fostering self-control on behalf of the governed. I will suggest that we add this explanation, or category, of government intervention to the more familiar ones of public goods, coordination, interest group capture, and negative externalities where there are high transaction costs. Its practical or political angle is predicting the future of intervention with respect to our latest perceived crisis, that of American obesity. If we contemplated these matters in 1964, my application might have been to the future of tobacco regulation. One question is whether today's obesity is like yesteryear's smoking.

What distinguishes smoking, college education, fisheries, child safety seats, and unsafe driving from fatty foods, sedentary lifestyles, day trading of stock, driving in foul weather, and sunburns? One answer is that the government takes an intense interest in regulating everything on the first list and then almost no interest in the second, though it contains no less serious social problems.

We have various ways of explaining the "why and when" of government interventions, a small subset of which I just

Saul Levmore is Dean and William B. Graham Professor of Law. He prepared this talk for the annual Katz Lecture, which will be held in Chicago on November 18, 2005. For further information about the Katz Lecture check the Law School's website.



offered as my first list. In some cases, government intervention serves a coordination role, as it might with rules like driving on the left or right; in others it discourages selfishness and controls negative externalities, as they are called, as in pollution controls or prosecutions of thefts; and in some it simply encourages the production of public goods. But in some circumstances law works to encourage individuals to do what they themselves are likely to think in their own interest, though perhaps at a different time or place. It is this self-control strategy that I will emphasize, for it is one that seems particularly apt with respect to obesity. It suggests that we think of obesity as more like retirement savings and only somewhat like smoking and driving regulation. Our government spends a great deal of effort and money to encourage retirement planning. Most of us (and even those who are young) wish we saved more for the future, and we enlist our government to help us do so—at the expense of taxpayers who do not. Lucky for us, retirement planning serves some interest groups well; Wall Street encourages savings plans, while those who lose from this intervention are dispersed and disorganized.

It is useful to compare tobacco and obesity. Our governments have regulated tobacco for some time, but they have done more to stop smoking since second-hand smoke, a classic negative externality, attracted attention. Obesity is weak in this regard. My over-eating or inadequate exercise might disturb your aesthetic field or add greatly to your health insurance or Medicare costs one day, but such emotional and monetary effects are caused by countless personal decisions that we might try to nudge one way or another but that we mostly leave to individuals. With much fanfare and controversy, we lightly regulate helmets for motorcyclists, job training for the underemployed, and safety equipment in automobiles, while we barely encourage small automobiles and sun protection, though all these precautions could be undertaken by individuals to save themselves money, to be sure, but could also be encouraged in the interest of saving expenses imposed on others.

The negative externalities associated with smoking regulation are really quite modest compared to its self-control potential. You have probably read that the external costs are modest; it is the sort of counterintuitive fact that law professors love. The extra costs the smoker adds to shared health care expenses have been said to be more than offset by the decrease in retirement benefits paid out to the smoker. And so, the academic mind continues, perhaps the government should be encouraging smokers! I hate to throw cold water on this fancy, but more recent studies show that the external costs probably do exceed the external benefits, though they do so by only a modest amount. We could try to explain the significant taxes on cigarettes as aiming to monetize those external costs. It should be noted that these taxes do, in fact, affect smoking. Addicts are not irrational, as it turns out, and the impact of the tax is substantial once we take into account all the putative

smokers who are discouraged by higher prices from taking up the habit. Moreover, the costs of smoking would seem yet greater if we took into account the expected loss of the smoker as a productive member of society. We might provocatively say that the government is a one-half owner of each of us (if only because of its investment in our education or the share it takes out of our income), so that the citizenry has a substantial incentive to encourage each individual to work hard and to adopt a healthy lifestyle. But I will not make too much of this view of the external costs if only because it raises philosophical problems about the role of government that would take us too far afield.

In contrast, the internal, or self-imposed, costs of smoking are overwhelmingly large. For starters, studies suggest that most smokers would prefer not to have become smokers. People who choose to engage in first-hand smoke at the rate of a pack a day are choosing to impose expected costs on themselves equal to six years of life. The matter is complicated because the last six years of life might not be regarded as worth as much as earlier ones, and the data do not include the quality of life (up for pleasure or down for health problems). On the other hand, it is not as if every smoker (or obese citizen or fast driver) will live to be 82 while clean-living neighbors will live to be 88. Some will lose no time and some will die tomorrow, but on average there is a 6 year loss. If we value those six years at just \$75,000 per year (extrapolating from risk studies and tort suits, which value lives these days at somewhere between \$3 and \$7 million), and continue with the pack a day smoker (our national average is actually a bit lower, but more than half of smokers do consume a pack a day or more), then the internally imposed costs from smoking are at least \$35 per pack. A pack costs about \$5 at my corner store these days, but there is a respectable argument for taxing cigarettes so that they sell for \$40 a pack. I think we can all estimate that this would cut consumption. And a good argument could be made that in order to protect us from ourselves we should want the government to charge us, or our children who have not yet started smoking, an extra \$35 per pack in order to discourage smoking to the optimal degree. Why do we not do this? A libertarian streak, perhaps, and fear of political backlash from smokers who can no longer cease, many of whom will point to the regressive quality

In some circumstances law works to encourage individuals to do what they themselves are likely to think in their own interest, though perhaps at a different time or place.

of the tax both come to mind. The organized influence of tobacco companies (or other groups) is a third possibility.

With this in mind, let us turn to obesity and consider, following very rough estimates, that the internal costs of severe obesity approach those attached to habitual smoking. A body mass index, or BMI, of 40 is associated with 6 years' loss of life, and that is also the mortality effect associated with regular smoking. A BMI of 35 is associated with half that expected loss of years, but also with a high rate of diabetes and other unpleasant issues. I am avoiding the question of whether obesity is the causal agent, rather than inactivity or the kinds of food eaten, but skeptical as we may be there is surely some level of obesity that poses a serious health risk. For those unfamiliar with the struggles of dieting, a six-foot person who weighs in at 184 has a BMI of 25. Should this person gain a few pounds, the government's guidelines declare him or her to be overweight. At 221,

and therefore a BMI of 30, he or she is regarded as obese. At 258, and a BMI of 35, the obesity is serious, and at 294 pounds, or a BMI of 40, the individual is regarded as severely, or morbidly, obese. Prior to 1988, a BMI of 27.8 was regarded as acceptable for males, so that declarations of national crisis are easily criticized, for

much of the categorization is arbitrary. Still, a BMI of 35 is associated with substantial and negative health effects; a BMI of 40 is associated with an expected loss of 6 years of life. About one-third of American adults have BMIs >30; perhaps 4% have BMIs >40 (the level comparable to smoking one pack a day), and that is 30% higher than was found a decade earlier. It is this increase that worries public health officials and libertarians.

Obesity among children has also increased, and by similar percentages. Again, I should emphasize that the relationship between mortality and obesity is only striking for severe obesity, but that has increased as well. We lead the developed world in obesity rates, though Finland, Germany, Greece, Cyprus, the Czech Republic, and Malta appear to have male obesity rates exceeding ours, and in any event overeating and inactivity are now global phenomena. Government non-intervention is one possible predictor of obesity. Germany has our problem and France does not. Japan has very little obesity, as any visitor to that country can attest. It is interesting that Japan and France are two

countries where there is relatively little competition in food marketing. In other words, in the US, we might blame some of our obesity on competition to shove potato chips and soda pop and candy and fast-food burgers into our gullets and shopping carts. I do not put too much stock in this correlation, but I mention it because it serves the interest group theme I have already sketched.

One person's over-eating or snacking or desk job may cause others to have higher health care costs in the future, and this adds costs to others in the same insurance pool. Eventually, and probably more dramatically, one person's costs will be forced on to most others because Medicare and disability programs will be strained. There is a school of thought that insists that we each have an equilibrium weight to which we return, and that no persuasion or diet or exercise regimen can pull us away from for long. But this view ignores the increases we have experienced in the last decade or two. I prefer to think of eating, snacking, or inactivity as a kind of habit or addiction, and just as no single treatment method is likely to cure more than 15% of a population habituated to cocaine, so too obesity is tough to tackle. Taxpayers might control one another's weight and health with education and with many other means, but we should not be terribly surprised to see movements for so-called "fat taxes" of various kinds. We might try to impose taxes on fast-food restaurants or on corn syrup, or on other inputs. Some of us might even be tempted to propose that we each be weighed each year in the public square, and that any "excess" be taxed in order to encourage individuals to do what is good for them—and other taxpayers. If this seems harsh and completely implausible, as I think it is, then like all good lawyers we can turn every stick into a carrot, with the cost of those carrots hidden in the background. We can pay rewards to those whose eating and exercising and genetic makeup lead to trim shapes, and we can all pay higher taxes to finance these encouragements. We can not simply pay people to lose weight because of the moral hazard of people gaining weight in order to lose it and be paid.

We should not lose sight of the private sector. Dieting is a \$30 billion industry in the US, and the exercise industry weighs in at about \$12 billion, while the costs of obesity,

direct and indirect, grew above \$100 billion ten years ago. So there is either underinvestment in obesity control or the market has been unable to come up with investments that work. Most commercial diet plans are best described as faddish and only temporarily profitable for both sellers and buyers.

How do we explain the greater government involvement in college education and retirement planning than in controlling obesity? An optimistic possibility is that we intervene where we have good strategies for success. It is also true that in the case of college scholarships, the government shares rather quickly in the increased productivity of well-educated citizens. But the self-control argument is always close at hand. We went to college and law school, with or without the government's encouragement, but even there most of us do much better with external monitors who firm up our self control. We use grades, we enroll in schools which threaten us with failure and humiliation, and so we

are accustomed to the idea that look for help in doing that which in most time periods we want to do anyway.

College scholarships have another advantage over obesity, so to speak, in that there is an organized and reasonably influential interest group—namely universities—pushing the government to funnel money into education. In contrast, taxes on some foods (or subsidies to those who forsake it) would benefit no organized

group, just dispersed fellow insureds, and would harm the makers and sellers of some processed foods as well as other organized interests. Interest groups may have effectively prevented smoking regulation for some time and then, as we already know, the threat of second-hand smoke was instrumental in bringing on more regulation.

We might imagine subsidies for healthy foods or for fitness centers, for some interest groups would love those. But we need to recognize that the organized interests in favor of current feeding and inactivity patterns are stronger and more identifiable than those opposed. The alignment of interest groups might in this way be critical to our project, for it can explain the regulatory pattern applicable to obesity, smoking, college scholarships, and even retirement savings.

Let us return now to self-control and to nongovernmental solutions. If many of our afflictions are problems of self-control, then why not more privately arranged solutions?

Private markets and governments can be in the business of enabling self control...this is indeed what our legal system does to a large degree with respect to higher education, retirement savings, and tobacco.

In the case of addictive drugs, for example, why do more of us not approach third parties, like employers, and encourage or require monthly drug tests? Why do I not sign a contract with co-workers, perhaps, agreeing to monthly drug tests and providing that those who test negative for twenty consecutive months will share in a pool of money created by everyone in the pool, risking, say, \$5,000 at the outset?

There are some obvious problems with this private solution to the self-control problem. Drug tests are imperfect and costly; \$5,000 may be required to deter usage, but it may be unaffordable upfront so that discourages participation. Other self-control problems, including smoking, gambling, overeating, and under-exercising are even less amenable to this contractual approach because detection is extremely difficult. Even if we were to involve the government in enforcing our self-control contract, how could it be sure that a participant had not smoked or had truly exercised. With the government's help we can turn to the strategy of taxing each pack, or taxing trans-fats, but much as it would invite fraud to subsidize non-smokers or non-gamblers, it is impossible to subsidize the avoidance of certain food inputs, and only slightly easier to subsidize exercise.

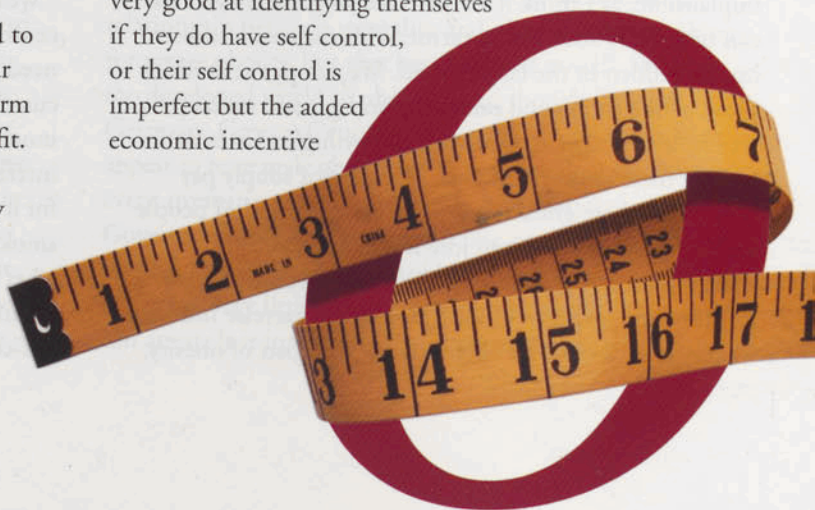
On the other hand, if we can get over the hurdle of the personal invasion necessary to conduct weigh-ins, obesity could be influenced by taxes or subsidies on weight gains, losses, or maintenance. We might not expect such regulatory change because of the interest group alignment mentioned earlier, but it could be done, and if our obesity statistics get worse and worse, then we might expect this sort of thing, though the interest group problem will be serious (the question of which inputs will escape taxation and which will be subsidized will feed the world inside the Beltway). In future work, I plan to discuss the additional and particular problems associated with childhood obesity but, suffice to say, that we might well find more governments offering iPods to fit and trim Middle Schoolers.

Let me return to the idea of mutual contracts and thus the possibility of opt-in regulation, public or private. Imagine a plan in which an employer or university said to its employees or students: "We know that many of your days are sedentary, and we take an interest in your long-term health. We also know that most of you are eager to be fit. We invite you voluntarily to subscribe to our health partnership for three years. As a subscriber you will pay \$2,000 per year into the plan, and we will match each contribution. At the end of each month if you have met the plan's goals for the month, you receive \$200, so that someone who always makes the goals earns \$400 on the

\$2,000 investment in the course of the year. Someone who misses the goals in two of the months breaks even. If you never meet the monthly goal, you will lose the \$2,000 subscription—and you will have signed on to try again with another \$2,000 the next year, because the plan runs in three-year cycles. Weight loss and maintenance is, after all, a long term endeavor." The monthly goals would include exercise and education as well as weight maintenance for those with desirable BMIs and modest weight loss, perhaps two pounds per month, for those who are overweight. The organizer uses the financial pool created by subscribers who fail to meet goals, as well as its own matching funds, to administer the program, guarantee the payouts, and install exercise equipment at the workplace or subsidize gym memberships.

One danger is that self-selection will be too good, and only those who would not have had obesity problems in the first place will join up. An antidote is to require high participation, or perhaps enroll all new employees or entering students. Another danger is that the organizer might wish for failure in order to keep the residual; this requires segregated funds and some rules like those we have for non-profit organizations. In short, we subscribers will make money if we maintain, or achieve and maintain, a healthy lifestyle, but the plan is voluntary. The motivating idea is that some of us might exercise better self-control if immediate financial rewards were added on to long-term health benefits.

I do not know whether I should defend this plan against the optimistic or the pessimistic critic. The optimist would say that there is no need for the organizer to promise matching funds. The idea of the matching funds is to encourage participation, but an optimist might say that subscribers will materialize anyway because they will overestimate their ability to achieve and maintain a healthy lifestyle, or simply because this is really about the self-control that people want for themselves. Either they think they have self control, or perhaps they are indeed very good at identifying themselves if they do have self control, or their self control is imperfect but the added economic incentive



will help them decide to do what is good for them anyway. But of course if this is true, then we would already see the private market organizing plans of this kind. The organizer's injection of funds is designed to make the reward greater than that any mere intermediary could provide. This is more than a pari-mutuel pool in which those who meet their goals are paid at the expense of those who do not.

The pessimist's objection is that first danger noted earlier, that few people would opt in, and those volunteers are aware of their own excellent self-control or high metabolism. Here I think we simply need a large scale experiment of the kind that an employer or university could offer. Some employers would be excellent candidates for such a plan because they provide long term health insurance to its employees well beyond retirement. They therefore has an incentive to care about employees' long term health. The matching funds component is a way of saying that the employer, or university, is not trying to exploit, but rather to share in the long-term health benefits that reduced obesity would likely provide. It is the injection by the organizer that I am counting on to overcome the first danger.

It is easy to see how the government could help bring about these plans. It could reward long term health coverage with subsidies or credits, on grounds that long term health care providers have more of an incentive to work on long term health issues; it could also make the successful subscriber's rewards tax free or tax favored.

And then of course the government—federal, state, or local—could be more direct. It could tax pounds or reward weight loss or weight maintenance, for as we have already seen it is probably easier to work with these markers, or outputs, than it is to tax inputs. But for the government to act directly requires it to overcome organized interest groups, and to overcome the strong disinclination for the government to get more involved in private lives.

I am at heart a positivist, more inclined to say what law does and will do than to say what it ought to do. I predict that our political and legal system will do very little about rising obesity. Interest groups are aligned the wrong way for such intervention; college scholarships are much more politically correct than are fat taxes. The negative externalities are not nearly as compelling as they are for tobacco smoking. The government will try its hand at education, and

perhaps it will do better on that score than it has in the past. I do think, or perhaps I just hope, that some private entities or local governments will experiment with opt-in plans of the kind suggested here. Any of these programs would give us an idea of whether modest economic incentives had much impact.

By "taxing obesity—or perhaps the opposite," I meant two things. First, opposite in the sense of earning rewards rather than paying taxes. And second, privately organized and even voluntary penalties and rewards, as opposed to strong-arm government interventions. Much as safer automobiles have developed because of a remarkable array of government interventions, education, private market maneuvers, consumer decisions, false experiments, traffic police, alcohol taxes, gasoline taxes and spending on better roads, so too more healthy bodies are likely to be formed by more than individual decisions regarding tonight's menu or tomorrow's trip to the gym. As law grows, so do private markets and the ingenuity of their makers. I think we will see that obesity brings about such growth in both legal intervention and in private markets.

There is the old-fashioned, progressive view that government and law is somehow supposed to solve all problems. My own perspective, influenced greatly by the study of public choice, is that law does get involved in most widely broadcast problems, whether or not that is a good thing. It makes sense in such a world to try to understand how law and private markets interact, and how they might be expected to change in the face of perceived problems. I have suggested here that both private markets and governments can be in the business of enabling self control. I have tried to suggest that this is indeed what our legal system does to a large degree with respect to higher education, retirement savings, and tobacco. In other work I will add to this list and show that law is indeed a tool of self-control. I do not think that obesity is qualitatively or quantitatively different from these other things that I have just listed, and previously discussed. Law as a system of self-control may not sound lofty, but it is in large part what we do and who we are.



How educational can pornography be? Very much so, it turns out—at least in the hands of criminal law professor Bernard Harcourt. Same goes for gambling, adultery, drugs, gangs, and a host of other topics that Harcourt uses to get his students thinking about what he calls “the liminal space where moral opprobrium meets government-sanctioned punishment.”

The project is called The Carceral Notebooks, and it’s run through a nonprofit organization created by Harcourt. Along with students and other faculty, Harcourt has taken this project out of the classroom and onto the streets of

encouraged not to really think much about.”

Danaye-Elmi, who holds undergraduate and graduate degrees in philosophy, tackled the case for banning pornography in her essay, “Pornography as Action, Pornography as Interaction.” She applies that discipline along with social science, the arts, and legal scholarship on the way to concluding that, contrary to some calls for the outlawing of pornography, “different contexts of production and consumption could interact with the discourse of pornography in new and healthy ways.”

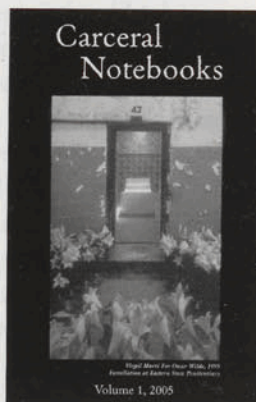
When Danaye-Elmi was first composing her paper in

PLUMBING THE CARCERAL IMAGINATION

Chicago. Students play a significant role in creating the project’s print journal, website (www.thecarceral.org), and a series of salons to which the public is invited to discuss one of the articles from the journal. “The goal,” Harcourt said, “is to study contemporary culture through the integration of law, art, social science, philosophy and critique.” In the preface to the journal’s first edition he frames the questions the project seeks to illuminate:

Where do we stake the boundary of the criminal law—or, more importantly, how? How do we decide what to punish? Do we distribute these vices, these recreations, these conducts—what do we even call these things?—into two categories, the passable and the penal, and then carve some limiting principle to distinguish the two? Are we, in the very process, merely concocting some permeable line—a Maginot line—to police the criminal frontier?

Assistant Professor Thomas Miles, who teaches federal criminal law, observes that the multiple facets of this enterprise reflect “the incredibly innovative pedagogy that’s typical of Bernard.” Shaudy Danaye-Elmi, ’05, who contributed an article to the first issue of the journal and led a discussion about it at the first salon meeting, describes Professor Harcourt’s approach as “a fabulous, sometimes unnerving, way of thinking about things we might be



Harcourt’s criminal law class, she had no expectation that it would reach an audience beyond her professor and her fellow students. But when Harcourt read it along with other student submissions, he recalls, “I felt they needed to reach a wider public. There is a kind and a quality of thinking in these papers that is not generally applied to these vital, if touchy, subjects.”

A friend of Harcourt’s agreed with his high estimation of the essays and offered to underwrite an initial printing of the journal. In addition to Danaye-Elmi’s article there, other students from her class are also represented: Andrew Sherman and Victor Zhao take on the regulation of gambling, Sean Hannon Williams considers the recent proliferation of hardcore pornography, Mary McKinney evaluates adultery law, Naria K. Santa Lucia ponders the issue of ongoing consent in sadomasochistic encounters, Ranjit Hakim examines the possibility of reciprocal relationships between gangs and communities, Anne Mullins observes mutual exploitation in the relationship between an ethnographer and the crack dealers he studied, and Mark D. Davis challenges oversimplified contrasts between the “harm principle” and morality-based arguments in

criminal law before offering a preliminary reconceptualization of the harm principle.

In looking for artwork for the cover of the journal's first edition, Harcourt encountered the work of Virgil Marti, particularly a series of installations entitled "For Oscar Wilde" created at the Eastern State Penitentiary. Of these installations Marti writes: "I have no first-hand experience of prison, so I felt it would have been offensive to conjecture what that would be like. However, I did always find Eastern State very beautiful. What does it mean to have an intense aesthetic experience in such an awful place? This seems related to the terrible irony of Wilde's life—preaching aestheticism as beyond conventional morality and ending up in prison."

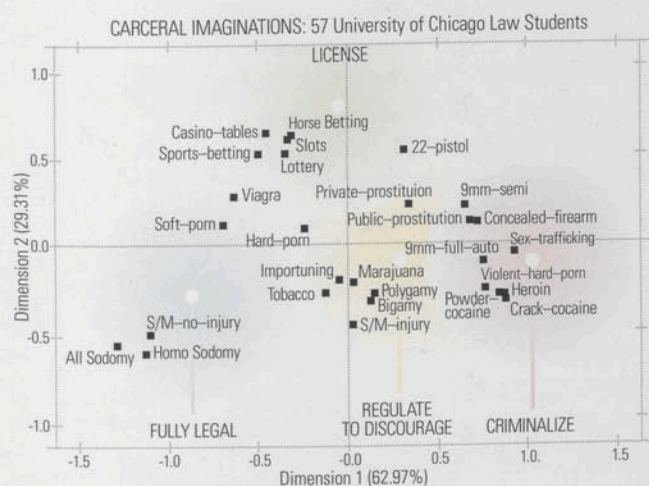
Harcourt recognized that art could broaden and deepen the inquiries begun in the essays, and from there, he says, it was a small step to conceiving of the salons, where participants could engage the topic, with the speaker and her or his ideas, with art and the artists who created it, and with each other.

A "Critic's Choice" mention in the *Chicago Reader* drew many Chicagoans to the first salon in June. Danaye-Elmi led a discussion of her paper. Three artists—Sarah Black,

Virgil Marti, and Mia Ruyter—showed work that explores the edges of transgression. Wrote one blogger the next day: "I went to a art showing. Wasn't even sure where I was going. Turned out to be a surprisingly intellectual discussion about porn and social consciousness among other things. We listened to the hosts, the author, and the peanut gallery."

That connection with the "peanut gallery" was gratifying to Danaye-Elmi, who said, "We're not trying to have the last word on these topics. We're opening a discussion and inviting participation beyond just legal scholars." The most liberating aspect for her, she says, was to realize "that your contribution is just to get the interaction started, and that being ultimately right—whatever that means—is sort of beside the point. Then you can let your imagination go. Hopefully that comes through for the people who read the articles or come to a salon."

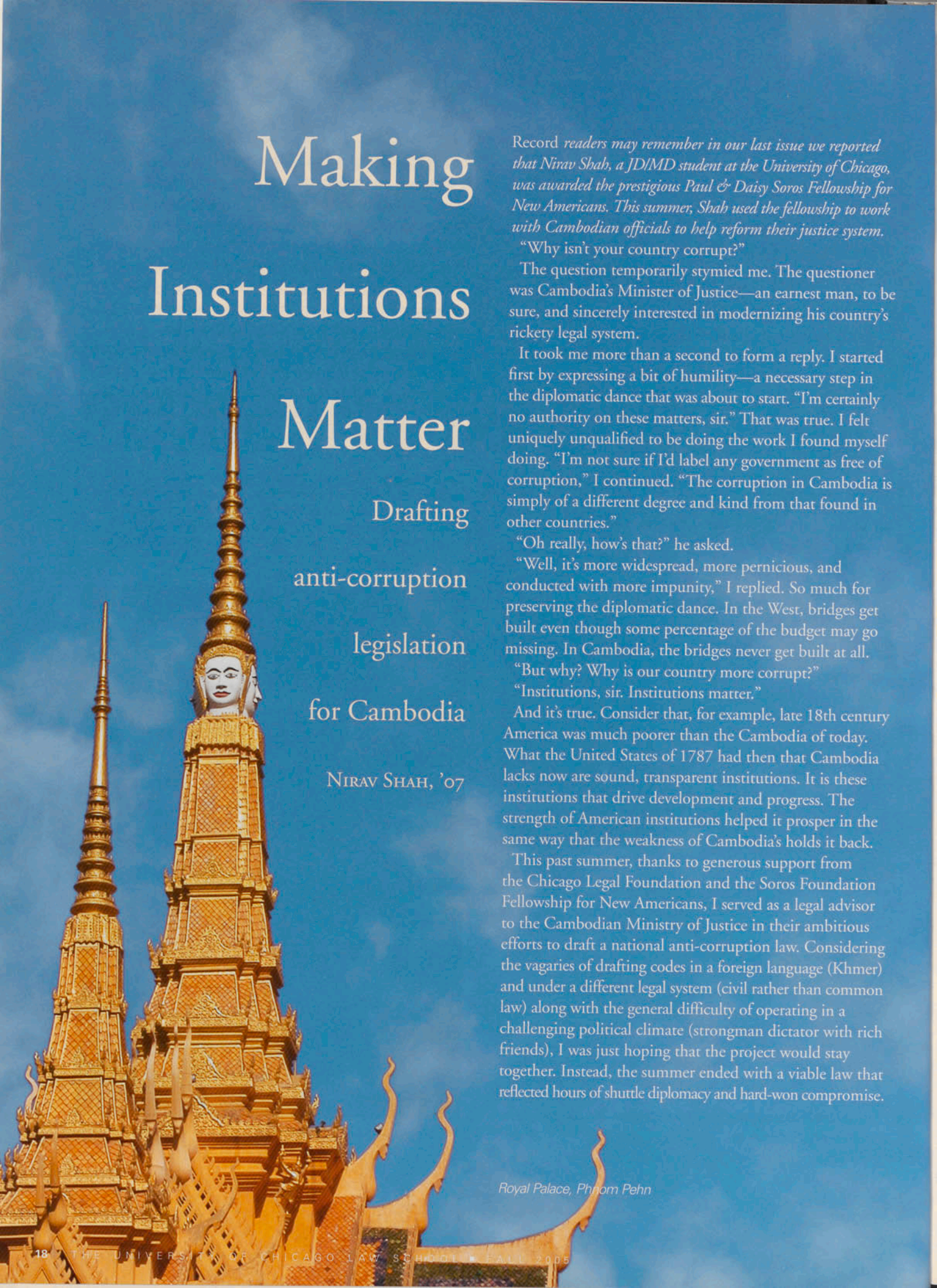
The first volume of *Carceral Notebooks*, along with related artworks and other information, can be found at www.thecarceral.org. A second volume is well underway; in addition to contributions from students it will include articles by some who have asked to write under a nom de plume. *Salons* in New York, San Francisco, and elsewhere are also in the works.



"We have certain moral desires—visions of a moral order, yearnings for the comportment of others and ourselves—and we seek to impose those moral desires on the world in whatever idiom we believe to be most persuasive," writes Professor Bernard Harcourt. To help his students situate themselves within that framework, he conducted a confidential survey of the students in his advanced criminal law course, asking them to imagine themselves as members of the Illinois legislature and to indicate how they would treat each of twenty-eight activities. They could choose among "fully legal," "criminalize," "licensing scheme," and "regulate to discourage." This table maps the results.



Virgil Marti, "For Oscar Wilde"



Making Institutions Matter

Drafting
anti-corruption
legislation
for Cambodia

NIRAV SHAH, '07

Record readers may remember in our last issue we reported that Nirav Shah, a JD/MD student at the University of Chicago, was awarded the prestigious Paul & Daisy Soros Fellowship for New Americans. This summer, Shah used the fellowship to work with Cambodian officials to help reform their justice system.

"Why isn't your country corrupt?"

The question temporarily stymied me. The questioner was Cambodia's Minister of Justice—an earnest man, to be sure, and sincerely interested in modernizing his country's rickety legal system.

It took me more than a second to form a reply. I started first by expressing a bit of humility—a necessary step in the diplomatic dance that was about to start. "I'm certainly no authority on these matters, sir." That was true. I felt uniquely unqualified to be doing the work I found myself doing. "I'm not sure if I'd label any government as free of corruption," I continued. "The corruption in Cambodia is simply of a different degree and kind from that found in other countries."

"Oh really, how's that?" he asked.

"Well, it's more widespread, more pernicious, and conducted with more impunity," I replied. So much for preserving the diplomatic dance. In the West, bridges get built even though some percentage of the budget may go missing. In Cambodia, the bridges never get built at all.

"But why? Why is our country more corrupt?"

"Institutions, sir. Institutions matter."

And it's true. Consider that, for example, late 18th century America was much poorer than the Cambodia of today. What the United States of 1787 had then that Cambodia lacks now are sound, transparent institutions. It is these institutions that drive development and progress. The strength of American institutions helped it prosper in the same way that the weakness of Cambodia's holds it back.

This past summer, thanks to generous support from the Chicago Legal Foundation and the Soros Foundation Fellowship for New Americans, I served as a legal advisor to the Cambodian Ministry of Justice in their ambitious efforts to draft a national anti-corruption law. Considering the vagaries of drafting codes in a foreign language (Khmer) and under a different legal system (civil rather than common law) along with the general difficulty of operating in a challenging political climate (strongman dictator with rich friends), I was just hoping that the project would stay together. Instead, the summer ended with a viable law that reflected hours of shuttle diplomacy and hard-won compromise.

Royal Palace, Phnom Penh

Endemic corruption is the predictable outgrowth of the broken institutions that have long plagued Cambodia. The system is broken at every level. The regulatory and administrative capacities of the government are non-existent and the legal system is in tatters, if it can be said to exist at all. In the resulting vacuum, people take what they can—not because they are immoral or inherently corrupt, as some claim—but because they are human. Government salaries are a pittance and opportunities to augment salaries abound. Faced with bleak economic prospects and the choice of taking money with impunity versus going hungry, most choose the former. Conventional wisdom for years held that corruption couldn't be fought; it could only be managed until salaries rose such that graft became economically unpalatable option. Corruption was neither good nor bad, it was just "rent seeking" and was, at worst, inefficient. It doesn't take a bevy of academic researchers, however, to show that corruption is a drag on economies. Ask any Cambodian about the unofficial fees that they pay just to keep what meager property they own and the effects of corruption become apparent. Ask any Cambodian about the bribes they pay to police at every traffic stop. At the end of the day, corruption amounts to a perversely regressive tax, taking money from the poorest and giving it to the wealthiest.

Over years, the system has adjusted psychologically and financially. As in any society, a lie repeated often enough becomes entrenched as the truth. So it is in Cambodia, where bribes become "commissions," police shakedowns become "on-the-spot fines," and large-scale graft becomes

a "salary bonus." Nevertheless, the system never completely breaks: empty government coffers are quickly replenished by Western donors eager to show their dedication to helping the developing world.

So what to do? If corruption is nothing more than an institutional problem, then it requires nothing more than an institutional fix. That seems straightforward enough, but that's the easy answer. The hard question is how to fashion a law that satisfies stakeholders without inviting unintended consequences. Just as important as institutional revisions, then, is political will—the *sine qua non* of any anti-corruption endeavor. But garnering political will is difficult in a country where corruption pays the bills. Striking a balance between a law that works and a law that works so well that it pinches off salaries (thereby drawing the ire of powerful politicians) was the central challenge.

Asset declaration is a good example. The law contained a provision requiring political officeholders to declare their assets every other year. This measure, undoubtedly useful for ferreting out the corrupt from the clean, was staunchly opposed by every politician who would fall within its reach. But at the same time, stakeholders from civil society and the donor community saw it as a deal breaker—the absence of which would mean an ineffective law.

The drafting committee was charged with brokering a compromise among all the groups. I realized that finding such a compromise was much more about diplomacy than draftsmanship. How to address the demands of donors while assuaging the fears of powerful politicians was perhaps the most valuable lesson of my summer.

Simply passing a new law sounded simple enough at the outset. We knew what the law should accomplish—the creation of an Anti-Corruption Bureau to fight corruption at all levels of Cambodian society. The hard questions emerged later.

First were the structural issues. For an Anti-Corruption Bureau to have any effect, it would have to operate independently from the rest of the government. Without autonomy, such a bureau would risk being perceived as another tool of an already deeply corrupt government. But autonomy has drawbacks. Too much autonomy and the Anti-Corruption Bureau risked becoming corrupt itself. So a tradeoff was necessary. But how to reflect that balance of power in the law? The first step was to secure the



Sunset in Battambang, Cambodia

budget and make the agency independent. The problem was that, at some level, the budget must have approval from the government. As in other countries, crushing the budget of an unpopular agency is the surest way to hobble it. We settled on a compromise: the budget would be set for five-year periods to ensure that ongoing investigations could be completed, and any budgetary change could take effect no earlier than ten years into the future—well beyond the political life expectancy of many members of Parliament.

Soon into our work, the Prime Minister called on the forthcoming law to be a “strong” law. I learned quickly that a strong law is a Very Good Thing without ever learning exactly what a strong law is. My concern was that the law would be too strong. To be sure, the law must provide for the investigation and prosecution of corrupt activities. But a law designed to punish the corrupt could soon go the way of many laws in developing countries. That is, the law is used not to punish the truly bad, but the provisionally bad. Political enemies, in other words. Asia in particular is notorious for using anti-corruption laws not to fight corruption as we know it, but to fight once and future political rivals.

And so I was lost. Creating a law strong enough to deter and prosecute would-be grafters would also mean a law strong enough to force possibly honest officials from their positions. Like so many problems, there are no right answers—though there are wrong ones. Allowing the Anti-Corruption Bureau to have unfettered investigative power would surely lead to abuse, as would giving it prosecutory powers as well as investigative power. In both cases, we clipped the wings of the Bureau—requiring a nominal check from either the executive or judicial branches before proceeding too far with an investigation.

Another problem were the judges themselves. For corrupt officials to be thwarted, they would have to be prosecuted and sentenced under the eyes of a non-corrupt judge. The donor community argued strongly that judges should be rotated from district to district every three years to prevent the judges from forming relationships with officials. These special relationships, it was thought, would compromise judicial

neutrality and hinder any effective prosecution. But there was a problem with rotation. True, it would reduce these relationships, but it would also create an extreme short-term bias for judges to behave as corruptly as possible before moving on to their next posting. Rather than discouraging corruption, rotation could actually (and perversely) lead to more of it. Again, we struck a compromise with the donors—judges would still be rotated, but every five (instead of three) years. We felt that the longer time would provide a disincentive for corrupt judges to fleece the townspeople, given that the judge would have to live within the community for a longer period.

In the end, the passage of the Anti-Corruption Law will make little difference. Indeed, the law could be passed tomorrow and nothing would change. Regardless of the evidence gathered by the Anti-Corruption Bureau, effective sanctioning still requires corruption-free prosecutors and judges. Nonetheless the law is the first necessary step. Its true benefits will be realized not by the Cambodians of today, but by the Cambodians of generations to follow. A law such as this one is the beginning of sound, transparent institutions in a country left without them for almost three decades. In the end, I realized, it is these institutions that separate Cambodia from many countries in the West. And while strengthening them is necessary, it is hardly sufficient to foster real change. Real change doesn't come through quick fixes. It requires years incremental gains—a process that Cambodia is just starting.



Three monks sit on the banks of the Mekong River, across from an urban renewal project in Phnom Pehn

Half and Half

A new clinical lecturer in the Mandel Legal Aid Clinic, Melissa Mather works on the Police Accountability and the Appellate Advocacy projects. "My job is to support the clinical professors and to work on cases taken on by the clinic. My role is essentially half practicing lawyer, and half teacher," Mather said. The Police Accountability Project involves



Melissa Mather

bringing and litigating various civil suits, mostly in federal court, challenging acts of abuse by members of the Chicago Police Department, as well as the policies that support those acts of brutality. The Appellate Advocacy Project handles criminal appeals in the United States Court of Appeals for the Seventh Circuit, and

Mather helps students draft briefs

and prepare oral arguments for the appeals.

Mather comes to Chicago from a private practice in Austin, Texas, where she took on a mix of criminal and civil work, both trial and appellate. One of her clients was incarcerated on Texas' death row. "When you work with someone with an execution date, that's pretty much all you do," she said. "Sadly, there is no public defender's office in Texas, so it really falls to the private bar to take these cases, and do whatever we can to help those facing execution." Before practicing in Austin, Mather worked on intellectual property litigation and white collar criminal defense in New York. She dealt with anti-trust issues and copyright, patent, and trademark litigation before moving to criminal work.

A 1997 graduate of the University of Virginia's Law School, Mather served as a clerk to the honorable Emilio M. Garza, United States Circuit Judge for the Fifth Circuit Court of Appeals. "When you come out of law school, you have a good idea of what the intellectual arguments are, related to particular areas of law, but not necessarily a good idea of how lawyers and judges actually do their jobs on a day-to-day basis. My clerkship made me more comfortable with what lawyers actually do and how decisions about cases are really made," she said. "Working at the University of Chicago is an interesting experience for me because I didn't start out in academia or teaching, and I'm discovering that I really enjoy working with students." —A.B.

Victory for Appellate Advocacy Clinic

This September, the Appellate Advocacy Clinic received news of a vacated conviction, in *United States v. Owens*. Antonio Owens had been convicted of a 2002 bank robbery at a Harris Bank branch. He was sentenced to 145 months in prison. The government alleged that Owens organized the robbery and drove the getaway car for his cousin, who carried it out. At the trial, the government introduced evidence suggesting Owens robbed the same bank in 1995. A lineup photograph depicting Owens among others in prison clothing was admitted into evidence and then published to the jury for use during deliberations. This became a key piece of the prior bad act evidence. The government also introduced testimony from the 1995 bank teller, the police officer who organized the lineup, and Owens's cousin, who testified that Owens admitted robbing the bank previously. The trial court allowed in the prior bad act evidence under Federal Rule of Evidence 404(b) and as intricately related to the charged crime.

On appeal, the clinic argued that Owens's conviction should be overturned because the evidence from the 1995 robbery should not have been introduced and because the trial court failed to give a limiting instruction to jurors for considering the evidence. In addition, on the briefs and at oral argument, the clinic argued the lineup photograph improperly pictured Owens as a prisoner, causing unfair prejudice. During argument, Judge Rovner said it was the worst lineup she had ever seen in her thirty-year law enforcement career.

The Seventh Circuit's opinion adopted nearly every argument the clinic made. Judge Williams wrote the majority opinion, which held that the prior bad act evidence was improperly introduced and, because the government's case relied heavily on that evidence, the error was not harmless. Judge Manion concurred to argue that although some of the prior bad act evidence was properly introduced, the lineup photograph was not. Judge Manion would have reversed the conviction because the photograph was so inflammatory. The clinic also challenged Owens's sentence, but the court did not reach that argument because it reversed his conviction on the merits.

Scott Rauscher, '05, wrote the briefs and argued the case in the Seventh Circuit before Judges Manion, Rovner, and Williams. "The Court's opinion is important," he said, "because it vindicates Mr. Owens's right to a fair trial and ensures that if he is retried, the government will not be able to use any evidence of his alleged involvement in the 1995 bank robbery." —K.F.

Do THE BENEFITS EXCEED THE

*Richard Posner and Geoffrey Stone at the
New York Public Library*

"It's not a thoughtful piece of legislation," said Geoffrey Stone, '71. "It was enacted in haste and was launched in a heavy-handed propaganda campaign. It's not as bad as some critics would have you believe, but it is certainly problematic."

Stone was speaking of the 2001 USA Patriot Act, one of the most controversial acts of the current Bush administration. It is seen by some as a necessary, if imperfect, tool to prevent future terrorist attacks; by others as a symbol of government excess, and of dubious constitutionality as well. With certain of its provisions up for legislative review, interest in the USA Patriot Act is as high as ever, which is why 330 people crowded into the Celeste Bartos Forum at the New York Public Library on September 20, 2005 to hear what Judge Richard Posner and Professor Geoffrey Stone had to say about it.

One of the more controversial parts of the USA Patriot Act is Section 215, which allows the government to obtain records from libraries, educational institutions, hospitals, businesses (including bookstores), and other organizations, without first making any showing that unlawful activity may be afoot. The government is under no obligation to reveal that it is collecting this information and, furthermore, record-keepers, such as librarians, are prohibited from revealing these requests.

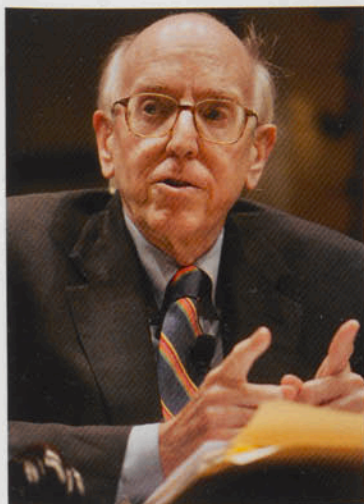
COSTS?

**RICHARD POSNER AND
GEOFFREY STONE DEBATE
THE USA PATRIOT ACT**

Some argue that this type of snooping should violate the Fourth Amendment, but Stone explained that, "in a series of troubling decisions, the Burger and Rehnquist Courts had held that the Fourth Amendment generally doesn't protect against government demands for information from third parties. The aspect of Section 215 that has riled civil libertarians—rightly, in my view—is its application to libraries and bookstores,

because in this context the government is intruding not only upon individual privacy, but upon privacy in the special setting of an individual's reading, political beliefs, and religious associations. The government should not gather information about an individual's First Amendment activities without some showing that he has done something wrong. On this point, critics of the USA Patriot Act are completely right."

Richard Posner, on the other hand, is concerned that critics are focused on the USA Patriot Act's costs to the exclusion of its benefits. Worries that Section 215 does not require probable cause suggest to Posner that civil libertarians do not fully understand the new threat of terrorism, and that they are caught up in a "police-oriented view"—that the purpose of the security arms of the state is to identify criminal activity and punish it. "That is the old problem—criminals," he said. "Terrorism is a new problem with completely different



requirements concerning the scope of inquiry." We need to know who the terrorists are and what they are doing so that future acts can be prevented, the argument goes. To do this, we must gather intelligence widely. The idea is that small bits of information from a variety of different sources contribute to understanding the larger picture, which

should help prevent future terrorist acts.

"I don't defend the particulars of Section 215," Posner continued. "But the notion that the government can compel repositories of information—documents, email, what have you—to give it access is potentially quite important to preventing terrorist acts. In the course of implementing such a power, there are going to be some invasions of privacy, including political privacy, and there is going to be some dampening effect on the exercise of free speech. Those are costs."

But how great are the benefits of this "information dragnet," and are they worth its costs?

"It is very unlikely that we can actually penetrate terrorist cells," Posner said. "What we can do is find hangers-on, allies, associates, financial angels—peripheral people. The peripheral people may eventually lead us to the core. Most of these peripheral people will not be engaged in criminal activity at all. Requiring probable cause to believe that someone is engaged in unlawful activity before he can be investigated will deny access to a range of information that could be critical in detecting terrorist activities."

Stone pointed out that by eliminating a reasonable suspicion requirement the government had effectively cut the judiciary out of the process and given the executive branch unreviewable authority to pry into an individual's constitutionally protected political and religious activities. "By denying the courts any role in this process, the USA Patriot Act vitiates any executive branch accountability in this most sensitive area."

"I know you don't have as much confidence in judges as I do," Stone chided.

"It's true," Posner replied, amid laughter from the audience. "I'm on the inside."

Stone argued that even the most casual student of United States history can recall the government's information-gathering abuses of the 1950s, 1960s, and early 1970s. During the Vietnam War, under the pretext of national security, officials gathered private information on more than a half a million United States citizens, information that was



used, in various ways, against people who stood in opposition to government policies. "Our track record on this," Stone added, "is not good."

To address this problem in the years following the Nixon Administration, Stone explained, Attorney General Edward Levi, '35, put in place a series of guidelines designed to

prevent such abuses by requiring reasonable suspicion, oversight, and accountability in government investigations of constitutionally protected activities. The Bush administration eliminated these guidelines, allowing the government to engage in virtually unlimited surveillance and infiltration of First Amendment activities and associations.

"The Levi guidelines," countered Posner, "were entirely oriented toward criminal investigation. They did not take terrorist threats, of whatever gravity, into account."

Stone doesn't disagree with that, but notes, "We have a long history in this country of overreacting in the name of national security. Restricting civil liberties in general and free speech in particular should be a last and not a first resort. We have done these sorts of things in the past and come to regret them."

"In my view," Posner said, "if you can head off a terrorist attack, a minor infringement of civil liberties is worth it."

Posner and Stone continued their conversation on the difficulties of balancing civil liberties and security measures in a lively online debate hosted by Legal Affairs. An archived version of this exchange can be found at: http://legallaaffairs.org/webexclusive/debateclub_patact1005.msp

Richard Posner is a judge on the United States Court of Appeals for the Seventh Circuit and a Senior Lecturer at the Law School. His most recent book is Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11. Geoffrey Stone, '71, is the Harry Kalven, Jr. Distinguished Service Professor of Law at the Law School. His most recent book is Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism.

MobBlog

CHANGING LEGAL SCHOLARSHIP?

Randal C. Picker

The end of June is always an especially lively time at the Law School. Classes have been over for a couple of weeks and graduation will have come and gone—usually with good weather. Exams are graded if all has gone well. Lunch becomes even more interesting than usual in late



Randy Picker

June as the Supreme Court rushes to the end of its current term. At lunch you can be confident that you will learn what the Supreme Court has done and where the Court has missed the mark.

This past June, in anticipation of the decision in *MGM v. Grokster*, I decided to try a new, temporary group blog as an experiment: the Picker MobBlog (find it at

<http://picker.typepad.com>). *Grokster* was widely expected to revisit the Supreme Court's important 1984 opinion in *Sony v. Universal Studios* which addressed the circumstances under which a third party could be held liable for copyright infringement. The *Grokster* opinion was eagerly awaited by the copyright community and by much of the online world. (Just so you know, the opinion took off in another direction entirely by adding inducement liability to copyright law.)

A blog (short for weblog) is just a website run by special software that makes it easy to update the site. Blogs reflect the infinite variety of the Internet, from the purely personal, to the acerbically political, such as Wonkette! (www.wonkette.com) written by University of Chicago College graduate Ana Marie Cox, to the virtual water cooler, such as Texas law professor Brian Leiter's Leiter's Law School Reports (<http://leiterlawschool.typepad.com/>) devoted to law school gossip (the reader wouldn't find it interesting perhaps, but

we often do). Seventh Circuit judge and Law School senior lecturer Richard Posner does a weekly point/counterpoint blog with University of Chicago Economics professor and Nobel Prize-winner Gary Becker (<http://www.becker-posner-blog.com/>).

The software to run a blog is surprisingly straightforward. After a day of experimentation, a few messages to copyright professors at other law schools, and consultation with my colleague Doug Lichtman, I opened the Picker MobBlog with this post:

In anticipation of the release of the Supreme Court's opinions in *Grokster* and *Brand X*, I have set up a new experimental blog located here (<http://picker.typepad.com/>). The point of this is to provide a vehicle for participating in what I expect will be a large online conversation about what the opinions mean...

Think of this as a "smart mob" blog (or not-so-smart, you tell me). The idea is to bring together a group of interested people to blog on a particular topic, do so, and disband... I think of this as an online reading group or an online workshop.

Slate has done this annually for a number of years with its "Movie Club"—a group of movie critics bat around the year's best and worst movies—and SCOTUSblog (<http://www.scotusblog.com>) did this recently with its *Raich* "superblog." A number of years ago I thought that an online workshop series would make sense, but I didn't see a great way to do it. I think the MobBlog might be the right approach.

Once the Supreme Court released its opinion in *Grokster*, we were off and running with a series of posts, comments back and forth from anyone drawn to the conversation. Orin Kerr, a law professor at George Washington and an active participant at The Volokh Conspiracy blog (<http://volokh.com>), characterized this as an "instant symposium" and an important change in the very structure of doing legal scholarship.

Randal Picker, '85, is the Paul and Theo Leffmann Professor of Commercial Law at the Law School, and a senior fellow at the Computational Institute of the University of Chicago and Argonne National Laboratory.

ging

In mid-August, we did our second mobblog. Fred von Lohmann of the Electronic Frontier Foundation, an intellectual property advocacy group, presented a paper that he had recently published on darknets (file-swapping areas of the internet.) For this conversation, we were joined by law professors, computer science professors, and industry participants.

The blog workshop has distinct advantages. Location of the participants is irrelevant. Tim Wu, who had visited at the Law School last year, was in Japan during the Grokster mob, and we had law professors from one coast to the other. It is also easy to be cross-disciplinary, to have technologists talk to law professors, or to cross the even steeper divide separating the law school world from the real world by having academics talk to nonacademics.

We will continue to experiment with this medium. During the early days of radio, the University launched the University of Chicago Round Table as a serious discussion of ideas in the ether. The Law School has just started a general faculty blog (visit uchicagolaw.typepad.com to see what we are talking about now and to tell us where we have gone wrong). I expect to incorporate a blog into my Spring seminar on antitrust and intellectual property policy.

And we will mob again at the Picker MobBlog. As a participant in a mob, you need to commit to paying attention during the period of the blog, but there is no single hour when you have to be there. This as a weak synch requirement, and that makes it easy to fit the mobblog into busy schedules and yet still have a meaningful discussion. The permanent participants at the mobblog—me, Doug Lichtman, Rebecca Tushnet (of Georgetown law) and Tim Wu (Columbia law)—have a range of interests, but we tend to focus on intellectual property, antitrust, network industries and media issues. If you would like to join us or think you have a great topic, email me at r-picker@uchicago.edu. But you can also just drop by—virtually, of course—and see what we are reading and discussing.

THE LAW SCHOOL BLOGS

The Law School recently launched The Faculty Blog—find it at <http://uchicagolaw.typepad.com>. In launching this blog, Dean Saul Levmore hopes to bring new ideas from the Law School's faculty to the wider world, and see them improved with reader's responses. Each week a new faculty "leader" will post, and everyone is welcome to participate in the ongoing discussions. Postings in the early weeks have included musings on "Legislating from the Bench" by Cass Sunstein, "The Myth that Judges Change on the Bench" by David Strauss, and "Why are Hedge Funds so Successful?" by Todd Henderson. The blog includes links to other blogs and sites of interest, ranging from the serious (the OpEd page of the *New York Times*) to the amusing (Did you know that Judge Richard Posner is a fan of Mortal Kombat?). Log on and join the discussion.

Enter



The Law School Welcomes Three New Faculty Members

The Study of Risk

"I think of myself both as a social scientist and as a lawyer. As such, I try to ask questions about how legal institutions do and should function in the real world," said Jacob Gersen, who earned his PhD in political science from the



Jacob E. Gersen

University of Chicago in 2001 and graduated from the Law School in 2004. "I have a fairly diverse range of interests across administrative law, environmental law, and legislation, but most of my work focuses on risk of one sort or another," he said.

As a PhD candidate, Gersen regularly attended the Law and Economics Workshop at the Law School. "It's easily the most well attended, active, and tough workshop on campus," Gersen says. "And it's not uncommon to have half the Law faculty there." (The intellectual liveliness of the faculty at the workshops was part of what inspired Gersen to continue his studies at the Law School.) This interdisciplinary exchange among specialists is one of the things he most appreciates about the University of Chicago: "Our political science department, for example, historically had game theorists working together with ethnographers and quantitative empiricists on questions like ethnic violence. This intellectual diversity and exchange illuminates old questions in new ways. So, too, at the Law School. Here the law and economics scholars actually want to talk to public law scholars, who want to talk to empiricists, and so on."

After law school, Gersen clerked for Judge Stephen F. Williams of the United States Court of Appeals for the District of Columbia Circuit. Judge Williams is widely published on a variety of topics and runs a fairly academic chambers. There Gersen learned "the importance of mixing theoretical and legal analysis with a healthy dose of common sense." And despite his political science training, a portion of which suggests that judges often make decisions based simply on their politics, Gersen came away from the DC

Circuit with a different opinion. "I learned how careful most judges are in their reasoning and decisions. The judges we sat with were almost universally prepared, diligent, engaged, and cared a great deal about getting the law right."

Now, he's happy to be back home. "The Law School is one of, if not the most, vibrant and hard-nosed intellectual environments in the country," he said. "A place where candor and rigor flourish." In addition to his teaching schedule, which includes Torts I, Administrative Law, and Legislation, Gersen's current projects include a book about catastrophic risk focusing on natural disasters and terrorism in the United States, a project that explores the positive and normative foundations of relying on temporary statutes to produce policy, and an initiative that investigates recent agency and judicial decisions regarding the Clean Air Act and their implications for environmental policy.—A.B.

Building Dams, and Arguments

Todd Henderson, '98, studied engineering at Princeton in part because of his father's opinion that training in analytical thinking was a solid foundation for many careers—including, as it happens, legal academia. "But," he laughs, "these days



Todd Henderson

I don't impress many folks back on the family farm with my knowledge of securities regulation, law and economics, or the work of Friedrich Hayek."

After completing work on his bachelor's degree, Henderson drove to Los Angeles to work on a project designing and building three dams to create a desert reservoir. "The first morning," he said, "my boss handed me a map, keys to a pickup truck, and a two-way radio. He showed me the spot on the map where I would find the drilling team I was responsible for managing." Today those dams create the largest reservoir in California, providing six months of emergency drinking water for 18 million residents of Southern California.

In spite of his background in engineering, Henderson knew from an early age that he wanted to become a lawyer. As

a child, he debated at every opportunity with a lawyer friend of his father's. One such conversation ended in near disaster when, while heatedly discussing the policies of the Reagan administration, the lawyer fell backward in a dining chair, smashing it to bits. [The Law School recently replaced its old wooden chairs with an impossible-to-smash model so Henderson's current students are in no such danger.—Ed.] As a student at the Law School, he served as an editor of the *Law Review* and captained the intramural football team before he was graduated magna cum laude and elected to the Order of the Coif.

Henderson then clerked for the Honorable Dennis Jacobs of the United States Court of Appeals for the Second Circuit. "I came to see that law isn't all about politics, and that justice is not always about power," he said. "It's easy to fall into the trap of becoming cynical about law and justice in our society. Jacobs taught me that integrity and fairness can coexist with strong convictions."

He went on to practice appellate litigation at Kirkland & Ellis in Washington, DC, and then was an engagement manager at McKinsey & Company in Boston. Henderson is delighted to return to his alma mater. "I feel strongly that the Chicago experience is unrivaled anywhere," he said. "This is a place where ideas, not politics or ideology matter." Henderson will be teaching and writing in the areas of corporate law, securities regulation, and international regulation of intellectual property.—A.B.

Crime and Economics

For his dissertation, *Three Essays in the Economics of Crime*, Thomas J. Miles used the analytical empirical tools of economics to study the incentive effects of law on criminal behavior. "A key challenge for empirical legal research is to determine whether an observed behavior is a response to legal rules or the result of other influences," Miles said. His unique perspective on crime and economics is reflected in his recent project on criminal fugitives apprehended through the television program *America's Most Wanted*. His research showed that the television program was indeed effective in hastening apprehensions and that the benefits of faster apprehensions likely exceeded the costs of the program. "As an economist," he said, "I apply an economic approach to the law, and as an empiricist, I'm interested in measuring the consequences of legal rules."

After earning his bachelor's degree at Tufts, Miles became a research associate at the Federal Reserve Bank of Boston. "The experience of seeing economists apply their conceptual and empirical methodology to regulatory issues convinced me that the analytical toolkit of economics was an especially powerful one," he said. This experience inspired Miles to pursue a PhD in economics, which he earned from the University of Chicago in 2000. While completing his dissertation, Miles became a doctoral fellow at the American Bar Foundation, where he worked with Professor Steven Levitt, author of *Freakonomics*.



Thomas Miles

"I learned an enormous amount from Professor Levitt about careful empirical analysis and about creative, but rigorous, research design," he said. Miles then went on to earn a JD, cum laude, from Harvard Law School in 2003. A clerkship with Judge Jay S. Bybee, a former academic now on the Ninth Circuit Court of Appeals, encouraged Miles to pursue a career in legal academia.

As a graduate student at the University of Chicago, Miles was intrigued by the Law School's reputation for pioneering the study of law and economics. He enrolled in Professor William Landes's course Economic Analysis of Law, which proved to be an intellectual awakening for him. "I was struck," Miles said, "by how the law, in addition to markets, shapes incentives and how often the predictions of the economic analysis of legal rules could lend themselves to empirical testing." Miles will be teaching Federal Criminal Law, Torts II, and, not surprisingly, Economic Analysis of Law. "I am elated," he said, "to be teaching the very course that sparked my interest and enthusiasm for law and economics."—A.B.

FACULTY SCHOLARSHIP 2004–2005

Albert Alschuler

Foreword, in David S. Rudstein, *Double Jeopardy: A Reference Guide to the United States Constitution* (Praeger 2004).

"The Future of American Sentencing: A National Roundtable on *Blakely*," 17 *Federal Sentencing Reporter* 115 (2004).

"Hail Yale," 2 *Ohio State Journal of Criminal Law* 29 (2004).

"In Memoriam: Norval Morris," 72 *University of Chicago Law Review* 463 (2005).

"Narrative and Normativity: Comments on *The Origins of Adversary Criminal Trial*," 26 *Journal of Legal History* 91 (2005).

"To Sever or not to Sever? Why *Blakely* Requires Action by Congress," 17 *Federal Sentencing Reporter* 11 (2004).

Douglas Baird

"¿Bogart permanece en boga?: Rights of publicity en la era digital," *Ano XIV, No. 29 ius et veritas* 179 (2005).

"The New Face of Chapter 11," 12 *American Bankruptcy Law Review* 69 (2004).

"Remembering Pine Gate," 38 *The John Marshall Law Review* 5 (2004).

"Secured Lending and Its Uncertain Future," 25 *Cardozo Law Review* 1789 (2004).

Emily Buss

"Allocating Developmental Control Among Parent, Child, and the State," 2004 *University of Chicago Legal Forum* 27.

"Constitutional Fidelity Through Children's Rights," 2004 *Supreme Court Review* 355.

Mary Anne Case

"Community Standards and the Margin of Appreciation," 25 *Human Rights Law Journal* 10 (2005).

"Marriage Licenses," 89 *Minnesota Law Review* 1758 (2005).

Adam Cox

"Partisan Fairness and Redistricting Politics," 79 *NYU Law Review* 751 (2004).

"Partisan Gerrymandering and Disaggregated Redistricting," 2004 *Supreme Court Review* 409.

David Currie

The Constitution in Congress: Democrats and Whigs, 1829-1861 (University of Chicago Press 2005).

"The Constitution of the Republic of Texas, Part I," 8 *Green Bag 2d* 145 (2005).

"Inflating the Nation's Power," Review of John T. Noonan, *Narrowing the Nation's Power*, 71 *University of Chicago Law Review* 1229 (2004).

"Miss Otis Regrets," 7 *Green Bag 2d* 375 (2004).

"President Polk on Internal Improvements: The Undelivered Veto," 8 *Green Bag 2d* 75 (2004) (with Emily E. Kadens).

"Through the Looking Glass: The Confederate Constitution in Congress, 1861-1865," 90 *Virginia Law Review* 1257 (2004).

Kenneth Dam

"Cordell Hull, the Reciprocal Trade Agreements Act, and the WTO," in *Reforming the World Trading System: Legitimacy, Efficiency, and Democratic Governance*, Ernst-Ulrich Petersmann, ed. (Oxford University Press 2005).

Richard Epstein

"Affirmative Action: The US Experience and Implications for New Zealand," *New Zealand Business Roundtable* (2005).

"Behavioural Economics," *New Zealand Business Roundtable* (2005).

"Best Efficiency Gains Flow From Hands-Off Approach," *The New Zealand Herald* (March 1, 2005).

"The Case Against Black Reparations," 84 *Boston University Law Review* 1177 (2004).

"The Case for Flat Taxes," *The New Zealand Herald* (January 31, 2005).

"The Case for the Flat Tax," *New Zealand Business Roundtable* (2004).

"Contractual Principle versus Legislative Fixes: Coming to Closure on the Unending Travails of Medical Malpractice," 54 *DePaul Law Review* 503 (2005).

"A Country is not a Company," *New Zealand Business Roundtable* (2005).

"The Creators Own Ideas," 108 *Technology Review* (No.6) 56 (June 2005).

"The Dangers of a Contradictory Constitution," *Financial Times* 17 (October 11, 2004).

"A Defence of the Corporation," *New Zealand Law Review* 707 (2004).

"Disparities and Discrimination in Health Care Coverage: A Critique of the Institute of Medicine Study," 48 *Perspectives in Biology & Medicine* S26 (2005).

"ECA Didn't Make the Sky Fall In," *The New Zealand Herald*, http://www.nzherald.co.nz/index.cfm?c_id=3&ObjectID=10114060 (March 8, 2005).

"Fairness in a Liberal Society," *New Zealand Business Roundtable* (2005).

"Flat Tax Essay," *The New Zealand Herald* (January 30, 2005).

"Foreign Headaches," *National Law Journal* 26 (July 12, 2003) (with Michael Greve).

"The Foreshore and Seabed," *New Zealand Business Roundtable* (2005).

"Going Overboard: The FDA," *The National Law Journal* (May 2, 2005).

"Grokster, The Contributory Infringement Wars," *Financial Times*, <http://news.ft.com/cms/s/26ce9534-7082-11d9-b572-00000e2511c8.html> (January 31, 2005).

"How Big Should Government Be?" *New Zealand Business Roundtable* (2005).

"In Defense of the 'Old' Public Health: The Legal Framework for the Regulation of Public Health," 69 *Brooklyn Law Review* 1421 (2004).

"Is There a Biomedical Anticommons," *Regulation* 54 (Summer 2004) (with Bruce Kuhlik).

"Is There Unequal Bargaining Power in the Labour Market," *New Zealand Business Roundtable* (2005).

"It Did Happen Here: Fear and Loathing on the Vaccine Trial," 24 *Health Affairs* 740 (May/June 2005).

"It's a Win-Win Situation, Even if Some Win More Than Others," *Los Angeles Times* M5 (June 27, 2004).

"Libertarianism and Character," in *Varieties of Conservatism in America* 75, Peter Berkowitz, ed. (2004).

"Liberty v. Property: Cracks in the Foundation of Property Law," 42 *San Diego Law Review* 1 (2005).

- "Live and Let Live," *The Wall Street Journal* 13A (July 13, 2004).
- "Look at Damages First," *The National Law Journal* (September 27, 2004).
- "Mad Scientists: Go away, ethics police. Leave the NIH Alone," *Slate*, <http://www.slate.com/id/2113520/> (February 15, 2005).
- "Monopoly Dominance or Level Playing Field: The New Antitrust Paradox," 72 *University of Chicago Law Review* 49 (2005).
- "The Not So Minimum Content of Natural Law," 25 *Oxford Journal of Legal Studies* 219 (2005).
- "One Step Beyond Nozick's Minimal State: The Role of Forced Exchanges in Political Theory," 22 *Social Philosophy & Policy* 286 (2005).
- "Organs for Sale," *National Post* (Canada) A20 (March 29, 2005).
- "The Pain of Eminent Domain," *The Philadelphia Inquirer* 15 (March 1, 2005).
- "Pharma Furor," Review of Jerome Kassirer, *On the Take: How Medicine's Complicity with Big Business Can Endanger Your Health*, and Marcia Angell, *The Truth About Drug Companies: How They Deceive Us and What We Can Do About It*, *Legal Affairs* 60 (January/February 2005).
- "Reflections on the Historical Origins and Economic Structure of the Law Merchant," 5 *Chicago Journal of International Law* 1 (2004).
- "Rethink Wickard," *National Law Journal* (January 17, 2005).
- "The Roman Law of Cyberconversion," 2005 *Michigan State Law Review* 103 (2005).
- "Takings, Givings, and Bargain: Multiple Challenges to Limited Government," *New Zealand Business Roundtable* (2004).
- "Tampering in Labour Market Limits Options," *The National Business Review* (New Zealand) (August 6, 2004).
- "Taxation with Representation: Or, the Libertarian Dilemma," 18 *Canadian Journal of Law & Jurisprudence* 7 (2005).
- "Two Ways of Viewing IP," *FT.com*, <http://news.ft.com/cms/s/c3e23a90-a5ea-11d9-b67b-00000e2511c8.html> (April 7, 2005).
- "The Uses and Limits of Local Knowledge: A Cautionary Note on Hayek," 1 *NYU Journal of Law & Liberty* 205 (2005).
- "Where Antitrust Law Went Wrong," *FT.com*, <http://news.ft.com/servlet/ContentServlet?pagename=FT.com/StoryFT/FullStory&c=StoryFT&cid=1087373817368> (July 19, 2004).
- "Why Open Source Software is Not Sustainable," *FT.com*, <http://news.ft.com/cms/s/78d9812a-2386-11d9-ae55-00000e2511c8.html> (October 21, 2004).
- "Why rule out copyright protection for databases?" *FT.com*, <http://news.ft.com/cms/s/4cd4941e-3cab-11d9-bb7b-00000e2511c8.html#U101466847545uT> (December 2004).
- Carolyn Frantz**
"Should The Rules of Marital Property Be Normative?" 2004 *University of Chicago Legal Forum* 265.
- Philip Hamburger**
"The New Censorship: Institutional Review Boards," 2004 *Supreme Court Review* 271.
- Bernard Harcourt**
Language of the Gun: Youth, Crime, and Public Policy (University of Chicago Press 2005).
- Carceral Notebooks*, Volume 1 (2005) (editor).
- "Nazi Laws are a Poor Guide," *The National Law Journal* (July 5, 2004).
- "On Gun Registration, the NRA, Adolf Hitler, and Nazi Gun Laws: Exploding the Gun Culture Wars [A Call to Historians]," 73 *Fordham Law Review* 653 (2004) (in Symposium on the Second Amendment and the Future of Gun Regulation).
- "Rethinking Racial Profiling: A Critique of the Economics, Civil Liberties, and Constitutional Literature, and of Criminal Profiling More Generally," 71 *University of Chicago Law Review* 1275 (2004).
- R. H. Helmholz**
Roman Canon Law in Reformation England, paperback ed. (Cambridge UP 2004).
- "Clerke, Francis," 12 *Oxford Dictionary of National Biography* 52 (2004).
- "The *ius commune* and Sanctuary for Insolvent Debtors in England," in *Panta Rei: Studi dedicati a Manlio Bellomo*, Orazio Condorelli, ed. (2004).
- "Lyndwood, William," 34 *Oxford Dictionary of National Biography* 892 (2004).
- "Natural Law and Human Rights in English Law: From Bracton to Blackstone," 3 *Ave Maria Lse Review* 1 (2005).
- M. Todd Henderson**
"The Influence of F.A. Hayek on Law: An Empirical Analysis," 1 *NYU Journal of Law & Liberty* 249 (Fall 2005).
- Dennis Hutchinson**
The Forgotten Memoir of John Knox, paperback ed. (University of Chicago Press 2004) (edited with David J. Garrow).
- 2004 *Supreme Court Review* (2005) (edited with David A. Strauss and Geoffrey R. Stone).
- "Perspectives on Brown," 8 *Green Bag 2d* 43 (2004).
- "Judgment Still Pending On Clarence Thomas," Review of Ken Fosskett, *Judging Thomas: The Life and Times of Clarence Thomas*, *Chicago Tribune* (September 5, 2004).
- William Landes**
"An Empirical Analysis of Intellectual Property Litigation: Some Preliminary Results," 41 *Houston Law Review* 749 (2004).
- Saul Levmore**
"Privatizing Reparations," 84 *Boston University Law Review* 1291 (2004) (symposium).
- "Public Choice Defended," 72 *University of Chicago Law Review* 777 (2005) (book review).
- Douglas Lichtman**
Telecommunications Law and Policy, 2004 Cumulative Supplement (Carolina Academic Press) (with Stuart Benjamin & Howard Shelanski).
- "Brief of Kenneth J. Arrow, Ian Ayres, Gary Becker, William M. Landes, Steven Levitt, Douglas Lichtman, Kevin Murphy, Randal Picker, Andrew Rosenfield, and Steven Shavell, as Amici Curiae in Support of Petitioners," *MGM Studios, Inc. v. Grokster Ltd.*, No. 04-480 (U.S. Sup. Ct. filed January 24, 2005).
- "Captive Audiences and the First Amendment," *University of Chicago Law School Record* (Spring 2005).
- "Holding Internet Services Providers Accountable," in *The Law & Economics of CyberSecurity*, Mark Grady & Francesco Parisi, eds. (Cambridge University Press 2005) and excerpted in revised form at *Regulation Magazine* 54 (January/February 2005) (with Eric Posner).
- "How the Law Responds to Self-Help," 1 *Journal of Law, Economics, and Public Policy* 215 (2005).

Lyonette Louis-Jacques

"ASIL Report: Encountering Greatness in International Law," *FCIL Newsletter* 26 (May 2005) <http://www.aallnet.org/sis/fcilsis/vol19/issue3/may05.pdf>.

"Collecting Foreign Law: Preparing the Jeopardy Game," *FCIL Newsletter* 11 (October 2004) <http://www.aallnet.org/sis/fcil/vol19/issue1/oct04.pdf>.

"International Calendar," 32 *International Journal of Legal Information* 521, 665 (2004); 33 *International Journal of Legal Information* 174 (2005).

"New Rights - New Laws: Legal Information in the Changing World Wide Web," 32 *International Journal of Legal Information* 474 (2004).

Review of Emeka A. Duruigbo, *Multinational Corporations and International Law: Accountability and Compliance Issues in the Petroleum Industry*, in 33 *International Journal of Legal Information* 145 (2005).

Tracey Meares

"Lawful Policing," 593 *The Annals of the American Academy of Political and Social Science* 66(18) (2004) (with Wesley Skogan).

"Mass Incarceration: Who Pays the Price for Criminal Offending," 3 *Criminology and Public Policy* 295 (2004).

"Updating the Study of Punishment," 56 *Stanford Law Review* 1171 (2004) (with Dan Kahan and Neal Katyal).

Thomas Miles

"Estimating the Effect of 'America's Most Wanted': A Duration Analysis of Fugitives," 48 *Journal of Law & Economics* 281 (2005).

Martha Nussbaum

For Love of Country: A Debate on Patriotism and Cosmopolitanism, Greek translation (2004).

On Nineteen Eighty-Four: Orwell and Our Future (Princeton University Press 2005) (edited with Abbott Gleason and Jack Goldsmith).

A República de Platão: a boa sociedade e a deformação do desejo (Paulina Terra Nólíbro 2004) (Portuguese translation of previously published article).

Upheavals of Thought: The Intelligence of Emotions, Italian translation as *L'intelligenza delle emozioni* (Il Mulino 2004); Dutch translation as *Oplevingen van het Denken* (Ambo 2004).

"Beyond the Social Contract: Toward Global Justice," 24 *The Tanner Lectures on Human Values* 413 (University of Utah Press 2004).

"Body of the Nation: Why Women Were Mutilated in Gujarat," 29 *The Boston Review* 33 (2004).

"Care, Dependency, and Social Justice: A Challenge to Conventional Ideas of the Social Contract," in *Living Longer: Ageing, Development and Social Protection* 275, Peter Lloyd-Sherlock, eds. (Zed Books 2004).

"Danger to Human Dignity: the Revival of Disgust and Shame in the Law," *The Chronicle of Higher Education* B6 (August 6, 2004).

"The Death of Pity: Orwell and American Political Life," in *On Nineteen Eighty-Four: Orwell and Our Future* 279, A. Gleason, J. Goldsmith, and M. Nussbaum, eds. (Princeton University Press 2005).

"Denying Foes Their Humanity," *Chicago Tribune* 2-1 (May 16, 2004).

"Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," in *Stoicism: Traditions and Transformations* 214, S. Strange and J. Zupko, eds. (Cambridge University Press 2004) (revised version of previously published article).

"'Faint With Secret Knowledge': Love and Vision in Murdoch's *The Black Prince*," 25 *Poetics Today* 689 (2004).

"India, Sex Equality, and Constitutional Law," in *Constituting Women: The Gender of Constitutional Jurisprudence* 174, Beverly Baines and Ruth Rubio-Marin, eds. (Cambridge University Press 2004).

"Inscribing the Face: Shame, Stigma, and Punishment," in *Political Exclusion and Domination: Nomos XLVI* 259, Melissa S. Williams and Stephen Macedo, eds. (New York University Press 2005).

"No Offense; Mere Disgust Should Not Constitute a Cause of Action," *The American Lawyer* (October 1, 2004).

"Public Philosophy and International Feminism," in *The Public Intellectual* 201, Arthur M. Melzer et al., eds. (Rowman and Littlefield 2003) (new version of previously published article).

"Religious Intolerance," *Foreign Policy* 44 (September/October 2004).

Review of Judith Brown, *Nehru: A Political Life* and Shashi Tharoor, *Nehru, The New Republic* 25 (February 14, 2005).

Review of Bart Schultz, *Henry Sidgwick: The Eye of the Universe*, *The Nation* (June 6, 2005).

"Two Pictures of International Relations," in *What We Do Now* 161, Dennis Loy Johnson and Valerie Merians, eds. (Melville House 2004).

"Women's Bodies: Violence, Security, Capabilities," 6 *The Journal of Human Development* 167 (2005).

"Zur Transzendierung des Menschseins," in *Zum Glück* 3, Susan Neiman and Matthias Kross, eds. (Akademie Verlag 2004) (a translation of the chapter "Transcending Humanity" from *Love's Knowledge*).

Randal Picker

"Unbundling Scope-of-Permission Goods: When Should We Invest in Reducing Entry Barriers?" 72 *University of Chicago Law Review* 189 (Winter 2005).

Eric Posner

The Limits of International Law (Oxford University Press 2005) (with Jack Goldsmith).

"All Hail...King George?" *Foreign Policy Online*, <http://www.foreignpolicy.com/story/files/story2814.php> (March 2005).

"All Justice, Too, Is Local," *The New York Times* A23 (December 30, 2004).

"Contract Theory," in *The Blackwell Guide to the Philosophy of Law and Legal Theory* 138, Martin P. Golding and William A. Edmundson, eds. (2005).

"Dollars and Death," 72 *University of Chicago Law Review* 537 (Spring 2005) (with Cass R. Sunstein).

"Judicial Independence in International Tribunals," 93 *California Law Review* 1 (2005) (with John Yoo).

"Law," in *The Encyclopedia of Social Measurement* 463, Kimberly Kempf-Leonard, ed. (2005).

"Remarks on the Alien Tort Claims Act and Transitional Justice," 98 *American Society of International Law Proceedings* 56 (2004).

"Terrorism and the Laws of War," 5 *Chicago Journal of International Law* 423 (2005).

"Transnational Legal Process and the Supreme Court's 2003-2004 Term: Some Skeptical Observations," 12 *Tulsa Journal of Comparative and International Law* 23 (2004).

"A 'Torture' Memo and Its Tortuous Critics," *The Wall Street Journal* A22 (July 6, 2004) (with Adrian Vermeule).

"Where's the Old Bolton When We Need Him?" *Los Angeles Times* B13 (April 19, 2005) (with John C. Yoo).

Richard Posner

Catastrophe: Risk and Response (Oxford University Press 2004).

Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11 (Hoover Institution and Roman & Littlefield 2005).

"Against the Law Reviews," *Legal Affairs* 57 (November/December 2004).

"The Becker-Posner Blog," <http://becker-posner-blog.com/> (December 2004 to present).

"Blinkered," Review of Malcolm Gladwell, *Blink: The Power of Thinking without Thinking*, *New Republic* 27, (January 24, 2005).

"Constitutional Law from a Pragmatic Perspective," Review of David M. Beatty, *The Ultimate Rule of Law*, 55 *University of Toronto Law Journal* 300 (2005).

"CSI: Baker Street" (Review of *The New Annotated Sherlock Holmes* [Leslie S. Klinger ed. 2004]), *New Republic*, Oct. 11, 2004, p. 47.

"Danger in 'Fixing' CIA," *Los Angeles Times* B13 (May 24, 2005).

"Eldred and Fair Use," *The Economists' Voice*, September 2004, <http://www.bepress.com/ev/vol1/iss1/art3>.

"Fair Use and Statutory Reform in the Wake of *Eldred*," 92 *California Law Review* 1639 (2004) (with William F. Patry).

"Hayek, Law, and Cognition," 1 *NYU Journal of Law & Liberty* 147 (2005).

"Important Job, Impossible Position: Why No One Wants to Be Director of National Intelligence," *The New York Times* A27 (February 8, 2005).

"Intelligence Critique Fatigue," *Washington Post* 19 (April 6, 2005).

"The Law and Economics of Contract Interpretation," 83 *Texas Law Review* 1581 (2005).

"Law, Pragmatism, and Democracy: Reply to Somin," 16 *Critical Review* 465 (2004).

"Legal Pragmatism," in *The Range of Pragmatism and the Limits of Philosophy* 144, Richard Shusterman, ed. (2004).

"Leiter Reports," Guest Blogger, http://leiterreports.typepad.com/blog/guest_blogger_richard_posner/index.html.

"Lessig Blog," Guest Blogger, http://www.lessig.org/blog/archives/2004_08.shtml (August 23–29, 2004).

"Murder They Wrote," Review of Stephen Kern, *A Cultural History of Causality: Science, Murder Novels, and Systems of Thought*, 306 *Science* 2193 (2004).

"The 9/11 Report: A Dissent," Review of *Final Report of the National Commission on Terrorist Attacks upon the United States*, *The New York Times Book Review* 1 (August 29, 2004).

"The Probability of Catastrophe....," *The Wall Street Journal* A12 (January 4, 2005).

"The People's Court," Review of Larry D. Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review*, *New Republic* 32 (July 19, 2004).

"Pragmatic Liberalism Defended," 71 *University of Chicago Law Review* 683 (2004).

"Pragmatic Liberalism versus Classical Liberalism," 71 *University of Chicago Law Review* 659 (2004).

"Surprise Attack: The Lessons of History," *Commentary* 50 (April 2005).

"Torture, Interrogation, and Terrorism," in *Torture: A Collection* 291, Sanford Levinson, ed. (2004).

"The 2000 Presidential Election: A Statistical and Legal Analysis," 12 *Supreme Court Economic Review* 1 (2004).

"Vertical Restraints and Antitrust Policy," 72 *University of Chicago Law Review* 229 (2005).

Julie Roin

"Comments on Mihir A. Desai's *New Foundations for Taxing Multinational Corporations*," 82 *Taxes* 157 (2004).

Adam Samaha

"Litigant Sensitivity in First Amendment Law," 98 *Northwestern University Law Review* 1291 (2004).

Geoffrey Stone

Constitutional Law, 5th edition (Aspen Press 2005) (with Louis M.

Seidman, Cass R. Sunstein, Mark V. Tushnet, and Pamela Karlan).

Constitutional Law, 2005 Annual Supplement (with Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, and Pamela Karlan).

The First Amendment, 2005 Annual Supplement (with Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, and Pamela Karlan).

Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism (W. W. Norton 2004).

2004 Supreme Court Review (2005) (edited with Dennis J. Hutchinson and David A. Strauss).

"America's New McCarthyism," *Chicago Tribune* (October 17, 2004).

"Dissent is Not Disloyal," *Chicago Tribune* (December 24, 2004).

"Free Speech in Wartime: The 'Reign of Witches,'" 2004 *University of Chicago Law School Record* 8 (Fall).

"I Sympathize with the Times; Nevertheless....," *The Wall Street Journal* (October 25, 2004).

"Justices Who Won't 'Run with the Wolves,'" *Los Angeles Times* (November 15, 2004).

"Miller, Novak, Plame, Wilson," *The Wall Street Journal* (October 18, 2004).

"*New York Times v. Sullivan*," in *The Oxford Companion to the Supreme Court of the United States* 608, K. Hall, ed. (2d ed 2005).

"A 'Nuclear' Attack on the Constitution: Changing the Senate's Filibuster Rules a Dangerous Option," *Chicago Tribune* (May 1, 2005).

"*Rasul v. Bush & Al Odah v. United States*," 29 *NYU Review of Law & Social Change* 613 (2005).

"They're Watching You....," Review of Robert O'Harrow, *No Place to Hide*, *Washington Post* (February 20, 2005).

"Sticks and Stones: Reply to Andrew McCarthy, 'Free Speech for Terrorists?'" *Commentary* 12 (June 2005).

"Supreme Court Tales From the Pleading Side of the Bench," Review of Floyd Abrams, *Speaking Freely: Trials of the First Amendment*, *The New York Times* (April 16, 2005).

"War Fever," 69 *University of Missouri Law Review* 1133 (2004).

Randolph Stone

"Defense," in *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*, 2nd ed. (American Bar Association Commission on Domestic Violence 2004).

Lior Strahilevitz

"Consent, Aesthetics, and the Boundaries of Sexual Privacy After *Lawrence v. Texas*," 54 *DePaul Law Review* 671 (Spring 2005).

"The Right To Destroy," 114 *Yale Law Journal* 781 (January 2005).

David Strauss

2004 *Supreme Court Review* (2005) (edited with Dennis J. Hutchinson and Geoffrey R. Stone).

"Kerry's Even Keel," *Legal Affairs* (September/October 2004).

"Legitimacy and Obedience," 118 *Harvard Law Review* 1854 (2005).

"Modernization and Representation Reinforcement: An Essay in Memory of John Hart Ely," 57 *Stanford Law Review* 761 (2004).

"Pop Con," *Legal Affairs* (March/April 2005).

Cass Sunstein

Constitutional Law, 5th edition (Aspen Press 2005) (with Louis M. Seidman, Geoffrey R. Stone, Mark V. Tushnet, and Pamela Karlan).

Constitutional Law, 2005 Annual Supplement (with Louis M. Seidman, Geoffrey R. Stone, Mark V. Tushnet, and Pamela Karlan).

The First Amendment, 2005 Annual Supplement (with Louis M. Seidman, Geoffrey R. Stone, Mark V. Tushnet, and Pamela Karlan).

Laws of Fear: Beyond the Precautionary Principle (Cambridge University Press 2005) (based on the Seeley Lectures 2004 at Cambridge University).

"Administrative Law Goes to War," 118 *Harvard Law Review* 2663 (2005).

"A Bench Tilting Right," *The Washington Post* (October 30, 2004) (with David Schkade).

"Black on Brown," 90 *Virginia Law Review* 1649 (October 2004).

"Constitution and the Law Now Under Attack," *The Times Union* (April 24, 2005).

"Constitutive Commitments and Roosevelt's Second Bill of Rights: A Dialogue," 53 *Drake Law Review* 205 (Winter 2005) (with Randy E. Barnett).

"Cost-Benefit Analysis and the Environment," 115 *Ethics* 351 (2005).

"Deliberation, nouvelle technologies, et extrémisme," 2 *Raison Publique* 9 (2004).

"Dollars and Death," 72 *University of Chicago Law Review* 537 (Spring 2005) (with Eric Posner).

"Economic Security: A Human Right; Reclaiming Franklin Delano Roosevelt's Second Bill of Rights," *The American Prospect* (October 2004).

"Environmental Protection and Cost-Benefit Analysis," 115 *Ethics* 351 (January 2005).

"Fear and Security," 71 *Social Research* (2005).

"Latest Assault on Judges Threatens Rule of Law," *Los Angeles Times* (April 15, 2005).

"Liberty After *Lawrence*," 65 *Ohio State Law Journal* 1059 (2004).

"Market Efficiency and Rationality: The Peculiar Case of Baseball," 102 *Michigan Law Review* 1390 (2004) (with Richard Thaler).

"Minimalism at War," 2004 *Supreme Court Review* 47.

"Moral Heuristics and Moral Framing," 88 *Minnesota Law Review* 1556 (2004).

"The Precautionary Principle as a Basis of Decision-making," 2 *The Economists' Voice* (2005) (with Robert Hahn).

"The Right to Marry," 26 *Cardozo Law Review* 2081 (April 2005).

"Sexual Freedom and Political Freedom," in *On Nineteen Eighty Four: Orwell and Our Future*, Abbott Gleason, Jack Goldsmith, Martha Nussbaum, eds. (Princeton University Press 2005).

"The Smallest Court in the Land," *The New York Times* (July 4, 2004).

"Valuing Life: A Plea for Disaggregation," 54 *Duke Law Journal* 385 (November 2004).

Alan Sykes

The WTO and International Trade Law/Dispute Settlement (Edward Elgar Publishing 2005) (co-edited with Petros Mavroidis).

Commentary on India – *Measures Affecting the Automotive Sector*, prepared for ALI Project on Principles of Trade Law, in *The WTO Case Law of 2002*, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press 2005) (with Kyle Bagwell).

Commentary on "Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products," 3 *World Trade Review* 507 (2004) and in *The WTO Case Law of 2002*, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press 2005) (with Kyle Bagwell).

"The Economics of WTO Rules on Subsidies and Countervailing Measures," in *The World Trade Organization: Legal, Economic and Political Analysis*, Vol. II, A. Appleton, P. Macrory & M. Plummer, eds. (Springer Verlag 2005).

"New Directions in Law and Economics," in *New Frontiers in Economics* 281, Michael Szenberg and Lall Ramrattan, eds. (Cambridge University Press 2004).

"The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute," 7 *Journal of International Economic Law* 523 (2004).

"A Preference for Development: The Law and Economics of GSP," 4 *World Trade Review* 41 (2005) (with Gene M. Grossman).

"The Safeguards Mess Revisited—A Reply to Professor Jones," 3 *World Trade Review* 93 (2004).

Adrian Vermeule

"Accommodating Emergencies," in *The Constitution in Wartime: Beyond Alarmism and Complacency*, Mark Tushnet, ed. (2005) (with Eric A. Posner).

"The Ascertainment Clause," in *The Heritage Guide to the Constitution*, David Forte, ed. (2005).

"Federal Maritime Commission v. South Carolina State Ports Authority," in *The Oxford Companion to the Supreme Court of the United States*, 2d ed. (2005).

"Institutional Design of a Thayerian Congress," in *Congress and the Constitution*, Neal Devins & Keith Whittington, eds. (2005) (with Elizabeth Garrett).

"The Judiciary Is A They, Not An It: Interpretive Theory and the Fallacy of Division," 14 *Journal of Contemporary Legal Issues* 549 (2005).

"Libertarian Panics," 36 *Rutgers Law Journal* 871 (2005).

"Selection Effects in Constitutional Law," 91 *Virginia Law Review* 953 (2005).

"Submajority Rules: Forcing Accountability upon Majorities," 13 *Journal of Political Philosophy* 74 (2005).

"Three Strategies of Interpretation," 42 *San Diego Law Review* 607 (2005).

"A 'Torture' Memo and Its Tortuous Critics," *The Wall Street Journal* A22 (July 6, 2004) (with Eric Posner).

Books by Faculty

David Weisbach

"Corporate Tax Avoidance," *National Tax Association Proceedings* 9, Ninety Sixth Annual Conference (2003).

"The (Non)Taxation of Risk," *58 Tax Law Review* (2005).

"Taxation and Risk-Taking with Multiple Tax Rates," *57 National Tax Journal* 229 (June 2004).

"Two Cheers for the Flat Tax," *37 Tax Notes International* 991 (March 14, 2005).

Diane Wood

"Antitrust at the Global Level," *72 University of Chicago Law Review* 309 (2005).

"Antitrust in the US Supreme Court: a Review of the 2003-2004 Term," *3 Competition Law Journal* 101 (2004).

"Cooperation and Convergence in International Antitrust: Why the Light Is Still Yellow," Chapter 7 in *Competition Laws in Conflict: Antitrust Jurisdiction in the Global Economy* 177, Richard A. Epstein and Michael S. Greve, eds. (2004).

"Reflections on the Judicial Oath," *8 Green Bag 2d* 177 (2005).

"The U.S. Antitrust Laws in a Global Context," *2004 Columbia Business Law Review* 265.

David P. Currie *The Constitution in Congress: Democrats and Whigs, 1829-1861* (University of Chicago Press 2005).

R. H. Helmholtz *Roman Canon Law in Reformation England*, paperback ed. (Cambridge UP 2004).

Dennis Hutchinson *The Forgotten Memoir of John Knox*, paperback ed. (University of Chicago Press 2004) (edited with David J. Garrow).

Douglas Lichtman *Telecommunications Law and Policy*, 2004 Cumulative Supplement (Carolina Academic Press) (with Stuart Benjamin & Howard Shelanski).

Martha Nussbaum *For Love of Country: A Debate on Patriotism and Cosmopolitanism*, Greek translation (2004).

On Nineteen Eighty-Four: Orwell and Our Future (Princeton University Press 2005) (edited with Abbott Gleason and Jack Goldsmith).

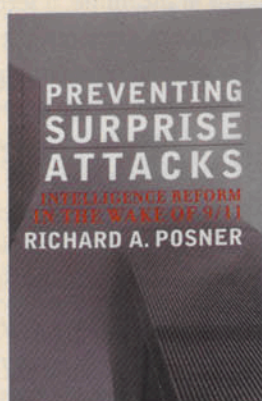
A República de Platão: a boa sociedade e a deformação do desejo (Paulina Terra Nolibros 2004) (Portuguese translation of previously published article).

Upheavals of Thought: The Intelligence of Emotions, Italian translation as *L'intelligenza delle emozioni* (Il Mulino 2004); Dutch translation as *Oplevingen van het Denken* (Ambo 2004).

Eric A. Posner *The Limits of International Law* (Oxford University Press 2004) (with Jack L. Goldsmith).

Richard A. Posner *Catastrophe* (Oxford University Press 2004).

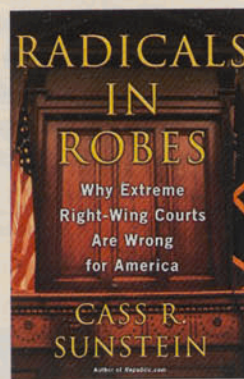
Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11 (Rowman and Littlefield 2005).



Geoffrey Stone *Constitutional Law*, 5th edition (Aspen Press 2005) (with Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, and Pamela Karlan).



Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism (W. W. Norton 2004).



Radicals in Robes: Why Extreme Right-Wing Courts Are Wrong for America (Basic Books 2005).

Laws of Fear: Beyond the Precautionary Principle (Cambridge University Press 2005).

Constitutional Law, 2005 Annual Supplement (with Louis M. Seidman, Geoffrey R. Stone, Mark V. Tushnet, and Pamela Karlan).

The First Amendment, 2005 Annual Supplement (with Louis M. Seidman, Geoffrey R. Stone, Mark V. Tushnet, and Pamela Karlan).

Alan Sykes *The WTO and International Trade Law/Dispute Settlement* (Edward Elgar Publishing 2005) (co-edited with Petros Mavroidis).

Constitutional Law, 2005 Annual Supplement (with Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, and Pamela Karlan).

The First Amendment, 2005 Annual Supplement (with Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, and Pamela Karlan).

Cass Sunstein

Radicals in Robes: Why Extreme Right-Wing Courts Are Wrong for America (Basic Books 2005).

Laws of Fear: Beyond the Precautionary Principle (Cambridge University Press 2005).

Constitutional Law, 5th edition (Aspen Press 2005) (with Louis M. Seidman, Geoffrey R. Stone, Mark V. Tushnet, and Pamela Karlan).

The Constitution in Congress

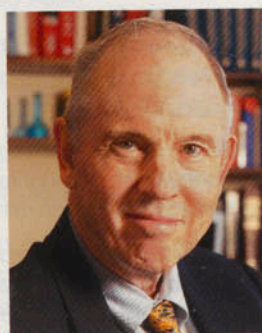
Paul A. Clark, '05

David Currie is old fashioned; that is his greatest virtue, and his greatest fault, depending on whom you ask. It is hardly surprising, then, that this old-fashioned professor has devoted a large part of his scholarship to analyzing the historical understanding of the Constitution. His multi-volume work, The Constitution in Congress, has often been cited by, among many others, the United States Supreme Court. Most recently, in June of 2005, it was cited by Justice Thomas in his dissent in Raich v. Gonzalez to argue for an old-fashioned interpretation of the commerce clause. Currie has said that early interpretations help us understand "what the Constitution means." Notice that he does not say "what it meant" or "what it means today." The third volume of his series, The Constitution in Congress: Democrats and Whigs, 1829-1861, was just published (Chicago 2005) and the fourth volume, The Constitution in Congress: Descent into the Maelstrom, 1829-1861, is due this fall. The two volumes overlap chronologically, but together cover the traumatic years from the presidency of Andrew Jackson to the Secession Crisis of 1861.

You say that how Congress and the Executive historically interpreted the Constitution helps us to understand what it means. You obviously regard The Constitution in Congress as more than just history. It seems fair to say that many constitutional experts today do not think that what Hamilton or Madison had to say about the Constitution is particularly relevant, so why should we care what a bunch of obscure Congressmen in the 1840s and 1850s thought about it?

I regard these books as both more and less than history—less because I'm not trying to outdo the historians at their craft, more because my focus is on the law. I'm trying to tell the story of how the Constitution has been interpreted, and a lot of that interpretation took place outside the courts. Why should we care how the Constitution was interpreted in the nineteenth century? Well, for those who think the views of Hamilton and Madison do matter, the closer we can get to them the better. But whether or not one is searching for the original understanding, one can find enlightenment in the executive and congressional records, for a great many excellent arguments were made that remain equally persuasive today. And sometimes the argument was made by an obscure Congressman, which I find encouraging. What matters is the quality of the argument, not who made it.

You have said that in the early nineteenth century everyone agreed that "the Constitution should be interpreted in accordance with the Framers' original intentions" and yet one of your colleagues, Geoffrey Stone, recently called originalism a "vacuous ideology." From your reading of the constitutional arguments in the period when everyone was an originalist, how would you respond to Professor Stone?



David P. Currie

My first response is that I am simply reporting what I have discovered: It is an interesting historical fact that most interpreters up until the Civil War (I have gone no farther) believed the Constitution should be interpreted according to the intentions of its Framers. Beyond that, I think the fact that so many people believed it suggests they just may have been right.

After all, they were closer to the Framers than we are. If they thought the original understanding important, it may be the Framers did too. This approach also squares with what Blackstone, the Framers' mentor, said about statutory interpretation: Laws should be construed so as to accomplish their purpose. Both Story and Marshall, of course, said the same thing about the Constitution. More fundamentally, I don't see how one can claim to be interpreting the law if one ignores what we know about what it was intended to mean. If we grant that the Framers had the right to make law to bind us in the future, it seems to me that assumption requires us to try to carry out their intentions, which they could only express in often ambiguous words. "Vacuous" means, among other things, empty. If the point is that the historical record doesn't contain all the answers, I would readily agree; that seems to me no reason for disdaining such help as one can derive from the existing materials—such as the Sedition Act debates of 1798, which contain in condensed form the whole modern theory of freedom of speech.

It is interesting that so many of the constitutional disputes of the nineteenth century were never adjudicated by the Supreme Court—things such as the Nullification Crisis of 1832 and the boundaries of federal power. To those accustomed to having the courts resolve virtually every constitutional dispute it is hard to imagine a system in which federal courts do not even have general federal question jurisdiction and so many issues were left to

political branches. Are the Courts too involved in political disputes today, or were they not enough involved back then?

Don't get me wrong—I'm a great fan of the courts and judicial review. The courts, and especially the Supreme Court, have done on the whole a wonderful job of protecting us against careless or deliberate constitutional violations. One difficulty with the earlier scarcity of Supreme Court review was that issues never really got settled. President Washington signed the first bill to create a national bank. Madison signed another. In the meantime, however, Vice-President George Clinton killed one bill on constitutional grounds, and Presidents Jackson and Tyler would veto three more. And no, I don't think the courts are too involved in political disputes today. Constitutional litigation necessarily entails judicial decisionmaking in areas of political significance, and I am no disciple of Justice Frankfurter's when it comes to ruling ordinary constitutional questions too "political" for judges to handle. What is crucial is that the judges resolve those questions according to the law and not according to their own political predilections. When they start making up limitations that have no basis in the Constitution, as Justice Byron White wisely observed not so very long ago, they come closest not only to illegitimacy but to vulnerability as well. So yes, federal-question jurisdiction is a good thing. But let us not forget that even before the Civil War constitutional questions reached the lower federal courts in diversity cases and were regularly litigated in state courts as well—in both cases with the opportunity for Supreme Court review.

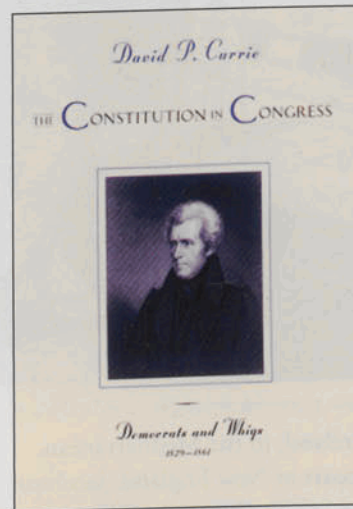
I read in the University Press of Chicago advertisement for volume four that "Currie shows how the Southern Democrats dangerously diminished federal authority and expanded States' rights, threatening the nation's very survival." Yet I wonder if that is not an overstatement. You write at the end of volume three that Southern Democrats were sometimes right in their narrow reading of federal powers. Is the advertisement right, or is the story more complex than that?

The truth is usually more complex than advertisements would lead one to believe. That's why it took six hundred pages to discuss the extrajudicial constitutional controversies of the years from Jackson to Lincoln. Yes, as an original matter I think the South was right as to the limits of the spending power and largely right about the power to dispose of public lands. On the other hand, as I say at the end of volume four, I think they were wrong about protective tariffs, wrong about internal improvements, and wrong about the national bank. Most conspicuously, they were wrong about slavery in the territories, about the legality of secession, and about the power of the United States to suppress insurrections and enforce the laws. For a quick

summary of their views take a peek at the Confederate Constitution, which is a carbon copy of our own with a few choice Southern interpretations added. I'm convinced that the narrow Southern view of federal authority was greatly influenced by the slavery question. As John Randolph said in Congress way back in the 1820s, "The government that can build roads can free the slaves."

At the end of volume four you espouse what seems to be a pretty unique constitutional argument against secession based on Article VII, which says that "ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the states so ratifying." Paradoxically, Article VII allowed States to leave the supposedly perpetual union by refusing to ratify the new constitution in 1787 (or allowed states to leave the union by ratifying the constitution, depending on your perspective). Can you explain your argument?

The Framers viewed the Articles of Confederation as a mere compact that one party could dissolve upon a material breach by another. That's one of the excuses they gave for adopting a mode of ratification that was not in accord with the existing law. At the same time they wanted to make sure



nothing of the sort could happen again. One expressly stated reason for requiring ratification by conventions rather than legislatures was to prevent secession even if the Constitution was violated. That's what Madison said in the Convention, and that's what Senator Simmons of Rhode Island brought to Congress's attention during debates on the

eve of the Civil War. And so we have returned to the point where our discussion began, with an obscure nineteenth-century member of Congress making an argument against secession far more powerful than anything the Supreme Court could come up with when it faced the issue in *Texas v. White*. And that, I think, helps us to understand why we should care what obscure Congressmen said about the Constitution 150 years ago: They often had very interesting and important things to say.

David P. Currie is the Edward H. Levi Distinguished Service Professor at the University of Chicago Law School. Paul A. Clark, '05, is currently clerking for Judge Robert Eastaugh on the Alaska Supreme Court. He worked for Professor Currie as research assistant on both of these volumes.

Alumni Profiles

By Sea and Air

"I've had a boat since I was a kid," said Martin D. Jacobson, '76. "But I became more involved in sailing when I came to New York because of the proximity of Long Island Sound and the Atlantic Ocean." Jacobson has owned several boats over the years; his current sloop, the *Crescendo*, is a Swan 44, which he uses for both recreational cruising and races. He's raced the five day-and-night trip that spans more than six hundred miles from Newport to Bermuda, in addition



Martin Jacobson

to racing from England to Ireland, in the Mediterranean, the Caribbean, and off the coast of New England. Jacobson enjoys the challenge of going out on the ocean. "When you're on the water you have to pay close attention to everything—the sea, the sky, the weather. You see lots of wildlife and you notice details that you just don't in daily life." Other benefits to sailing, according to Jacobson, include meeting accomplished people with different backgrounds than the people he meets in law.

In law, Jacobson is well known for his work on the highly structured financing of equipment, infrastructure, aircraft and industrial properties and is listed in *Euromoney's Guide to the World's Leading Aviation Lawyers*, the *International Who's Who of Aviation Lawyers*, *International Who's Who of Project Finance Lawyers*, and *The World's Leading Lawyers*. He

is a partner at Simpson Thacher & Bartlett and the founding chair of the Committee on Project Finance, City of New York Bar Association. In addition to representing Airbus, which was awarded *Airfinance Journal's* Best Overall Deal of the Year in 1999/2000, Jacobson helped organize the financing to form Atlantic LNG Company of Trinidad and Tobago. This company was formed to develop a plant in the Caribbean that produces and distributes liquefied natural gas.

After graduating summa cum laude in 1969 from the University of Pennsylvania, where he majored in economics, Jacobson entered the Navy. He was promoted lieutenant and served on a destroyer for two years. His second two years of service were spent as an aide to an admiral based in New York City. During this time, Jacobson completed an MBA from New York University Stern School of Business where he focused on International Economics. He selected the University of Chicago Law School almost exclusively on the basis of the school's academic reputation. According to Jacobson, the interface the University of Chicago was developing between economics and law made the school

"a perfect fit" for his interests. "I'm one of those people who enjoyed law school," Jacobson said. "I loved the whole environment—the academic quality, the classroom experience."

Jacobson's office sports an intriguing assortment of "deal toys." A miniature Airbus, an intricate replica of an offshore drilling rig, and a clever model of a corporate finance deal's organization designed to look like the atomic structure of a molecule all compete for a visitor's attention. They are a testament to his clients' regard for his efforts. One can only imagine future additions to his collection.—A.B.

Turnaround Talent

"I'm not doing everything, making every decision. We're a five billion dollar company now," Debra Cafaro, '82, said. But in the beginning, she made the crucial decisions that turned Ventas around. When she joined the company in March of 1999, the real estate investment trust was floundering. In 2000, shares were going for \$3.24; today a share is worth \$30.37. Named by *The Wall Street Journal* as one of the top fifty women to watch in US business, Cafaro says the most significant challenge she faces today



Debra Cafaro

as president and CEO of Ventas, Inc. is recruiting and retaining top employees. "I've managed to recruit an amazing group of people, and I need to make sure we're working together, collaborating—marching in the same direction."

The main focus of her first year or two with the company was saving Ventas, Cafaro says. "We had the

value of assets and had to preserve that value. We had to decide if long-term health care could be a field that would yield returns to shareholders. We had to decide if Kindred Healthcare was a good tenant. Once we decided, we could act." And act she did. Vencor, which emerged as Kindred Healthcare after its bankruptcy, was Ventas's chief tenant, bringing in ninety-seven percent of its revenue. Cafaro held off creditors that were after Kindred, allowing the company room to reorganize. In those first few years, she managed to get Kindred Healthcare back on its feet. Then Ventas worked to lower its debt, raise capital, gather a formidable management team, and prepare the company to diversify. According to *The Wall Street Journal*, Ventas was the ninth best performing publicly-traded company over the five-year period ending December 31, 2004.

Cafaro worked as an attorney for thirteen years before joining Ventas. She specialized in finance, corporate, and real estate law and, as an associate, helped found the Chicago-based firm Barack Ferrazzano Kirschbaum Perlman & Nagelberg. She switched from law to business in April 1997 when she was recruited by Ambassador Apartments, a Chicago REIT. She arranged a merger with AIMCO of Denver within a year of becoming president of Ambassador. Cafaro said of the career change, "I love to learn new

In the beginning, Cafaro made the crucial decisions that turned Ventas around.

things. I had clients I enjoyed working with and loved my partners, but I wanted to be accountable for the decisions I made. As lawyers, we give advice, but it's the clients who are ultimately accountable."

Cafaro's love of learning new things made her time at the Law School very positive. Having grown up in a tough neighborhood in Pittsburgh, Cafaro graduated with a high school class of about ninety students, of whom she was one of three who went on to college. After sixteen years of Catholic schooling, including her undergraduate years at Notre Dame as a government and economics major, Cafaro says she found the atmosphere at the Law School liberating. "The main value there is raw intellectual horsepower," she said. "It was the first place I'd been where it was cool to be smart."—A.B.

Immigration and the World Wide Web

Following Law School, Gregory Siskind, '90, went to work for a large corporate firm in Nashville; at the time, he was a junior associate with not much of a nest egg and lots of student loans. Siskind shared a secretary with a senior partner, who dominated the secretary's time. "Nobody had computers back then except the senior partners, which was ridiculous because they didn't know how to type," Siskind said. "So I bought my own computer." This early embrace of emerging



Gregory Siskind

technologies would have a profound influence on his practice.

Siskind's new computer afforded him the opportunity to participate in newsgroup discussions. His firm had received an immigration law case and, due to his background in International Law and his interest in politics, he seemed the right associate to figure it out. As he worked on the case, he noticed that bad information was being posted to immigration law newsgroups, so he posted the correct facts. This was the beginning—business from across the country flooded in.

In April of 1994, Siskind made the leap and opened his own practice. At the same time, a friend from Vanderbilt was starting an internet company when "no one knew what the internet was," according to Siskind. His friend set up shop in the condominium below Siskind's office. "I literally had wires running up the stairs to my computer," he said. Inspired in part by a *New York Times* article about a website for

Graceland, Siskind launched his award-winning immigration practice website in 1994. At first it was what Siskind describes as a "glorified brochure" for his solo practice. Today, the Siskind Susser site gets between one and three million hits a month from every country with internet access in the world except North Korea. The immigration newsletter Siskind began in 1994 now has 40,000 subscribers on an email listserv. The site, www.visalaw.com, provides multiple

Siskind's early embrace of emerging technologies would have a profound influence on his practice.

services for clients and people who work with immigration issues. The main advantage to using videoconferencing, email, a blog, and other technological amenities, according to Siskind, is the convenience such tools provide for clients. "It can be intimidating to hire a lawyer, so sending an email or chatting in a chat room is a way to break the ice when clients might not want to go through the process of scheduling an in-person consultation."

Siskind, originally from the immigrant city of Miami, loved the international law classes he took at the Law School. He enjoys immigration law because it is what he calls the "most political" area of law. He also likes that it is a helping profession. "It's adversarial in that you're up against the government, but if your philosophy is for immigration, which mine is, then you never feel conflicted about what you do."

In addition to running his practice, Siskind writes prolifically and gives talks on a variety of topics. He's penned hundreds of articles in addition to helping to writing the best-selling book *The Lawyer's Guide to Marketing on the Internet*, as well as a book on physician immigration published annually by Lexis-Nexis. "My role in the firm these days is business development," he said. "The writing I did gave me a national reputation, which was critical to putting us on the map."—A.B.

Alumni

In Memoriam

1931

Isaiah S. Dorfman
June 1, 2005

Dorfman was a founding partner of Dorfman, De Koven & Cohen, now known as Laner Muchin. From 1937-42, Dorfman was chief of the Special Litigation Unit of the National Labor Relations Board. During WWII, he served as an espionage agent with the Office of Strategic Services in London.

1933

Robert L. Shapiro
January 1, 2005

Shapiro practiced with the McCarthy & Levin law firm in Chicago. After retiring in 1980, he moved to Bradenton, FL. He was an Army veteran of WWII.

1934

Kenneth C. Prince
April 2005

A retired Cook County judge, Prince served as past president of the Chicago Bar Association and the Chicago Bar Foundation. He was a board member of the Illinois Institute for Continuing Legal Education for many years, receiving its Addis E. Hull Award of Excellence in 1991.

1936

Herman J. De Koven
July 1, 2005

De Koven was a founding partner of Dorfman, De Koven & Cohen, now known as Laner Muchin. De Koven served in Washington, DC, with the National Labor Relations Board from 1941-53, and worked in private practice until his retirement in 1978.

1937

Louis R. Miller
May 22, 2005

Miller attended the University of Chicago for college and law school. During WWII, he taught at a naval training school. Miller joined the law firm of Gardner, Carton & Douglas in Chicago after WWII, and then became a corporate lawyer with Armour & Co. where he served as general counsel for many years.

1938

Stanford Miller
May 6, 2005

Miller spent his entire career at Employers Reinsurance Corporation. In 1966, he became President, and from 1967-81, he served as Chairman of the Board and CEO. After the company was purchased by Getty Oil Company, he was named to that board of directors. Miller was a sailor, skier, canoeist, and a fly fisherman, and he was very supportive of efforts to protect the environment and preserve the wilderness.

1942

Arthur M. Oppenheimer
August 19, 2005

Oppenheimer passed away in Rancho Mirage, CA. He was a proud WWII Army veteran. Before his retirement, he had his own legal practice in Chicago.

1947

Harold Goldman
March 2005

Until his retirement in 1988, Goldman had an

active accounting practice. However, in the late 1990s, at the age of seventy-five, he practiced law for the first time as a volunteer for Prairie State Legal Services in Waukegan, IL. He found particular meaning in defending clients in eviction suits. Goldman is survived by his wife Ruth Goldblatt Goldman, '47.

Frank J. Harrison
March 9, 2005

Harrison served in the Signal Intelligence Service from 1942-46 in Australia and was a First Lieutenant in the Judge Advocate General Corps in 1949. He practiced in Sreator, IN and served as city attorney from 1965-71 and from 1973-87.

Dale E. Koepke
February 9, 2005

Koepke was an insurance adjuster for many years with United Adjustment in the Kansas City area and Denver. He enjoyed fishing, tennis, sports, reading history, and spending time with his granddaughters.

1949

John B. Angelo
March 23, 2005

Angelo was a litigation partner at Ross & Hardies, until his retirement in 1988 when he moved to Manasota Key, FL. He served in the U.S. Army Corps of Engineers in the South Pacific in WWII.

Mordecai M. More
June 25, 2005

More practiced law for over fifty years, most recently at his own law firm, More Law Group in Chicago. He served in the Army Air Corps during WWII.

Major James Karge Olsen
March 28, 2005

From 1949-67, Olsen was a professor of political science

at Kent State University in Ohio. He was the first dean of the Honor's College at Kent State. He served as Dean of Arts and Sciences at Illinois State University before becoming president of William Paterson College of New Jersey in 1968. In 1973, he became director of the Zanesville campus of Ohio University, a position he held until his retirement in 1977.

Victor S. Peters Jr.
June 23, 2005

Peters practiced for several years in Peters & Peters with his wife, Mildred G. Peters, '49. He was stationed in the South Pacific as an officer in the Navy during WWII. Peters was one of the founders and former president of the North Shore Senior Center and served on the board of governors of the Winnetka Community House.

1953

John R. Williams
March 20, 2005

Williams practiced law in West Palm Beach, FL for many years.

1957

Joseph DuCoeur
April 13, 2005

DuCoeur attended the University of Chicago for college, where he was a member of the track and field team. He was a litigation partner at Kirkland & Ellis in Chicago for many years before retiring to Carmel, CA.

1963

Arthur R. Matthews, Jr.
June 27, 2005

Matthews worked for many years at the Appellate Court of Illinois.

1964

James S. Rudnick
March 14, 2005

A long time resident of the Chicago area, Rudnick served as President of J.S. Rudnick & Co.

1965

Peter Karasz
April 30, 2005

Karasz had been the managing partner of Cleary Gottlieb Steen & Hamilton LLP since 2000. During his leadership, the firm grew from 600 to 850 international attorneys. He was born in Budapest, and grew up in France, Bolivia, Thailand, and the US.

Howard L. Solomon
April 14, 2005

Solomon served as the Chief Financial Officer of TVW Construction Incorporated.

1990

Catherine Winterburn
September 9, 2005

Winterburn passed away after a battle with breast cancer. Most recently, she practiced at Wilson Sonsini in San Francisco.

1995

Brett A. Bakke
February 9, 2005

Bakke transferred to the Law School during his second year of law school from George Mason University Law School. He practiced at Kirkland & Ellis in Chicago in the litigation department. Bakke was an avid reader and enjoyed theater and role-playing games. He also coached and cheered on his four children in a variety of sports activities.

Class Notes Section – REDACTED
for issues of privacy



Mitchell Shapiro

A Long Ride, A Good Cause

On March 20, 2005 Mitchell Shapiro, '64, and his riding partner Kaylie Dienelt, a recent Dartmouth graduate, left Los Angeles by bicycle and rode cross country to Boston, Massachusetts. Their purpose was to have fun, see the United States in a new way, and raise money for the Epilepsy Foundation in Los Angeles.

During the trip Mitch rode approximately 3,445 miles, encountering rolling hills, storms, extreme temperatures, not-always-friendly State Troopers, antiquated corkage laws, and more diner food than he ever imagined it was possible to actually eat. He also discovered that his Blackberry does not, in fact, have universal coverage.

Highlights included: "New York, from Silver Creek (where I attended high school) through the Finger Lakes, with the many beautiful and welcoming small towns, and from Indio to Blythe and on to Wickenburg, AZ, with the wild flowers blooming." The low point was "ten days of continuous headwinds from Dodge City, Kansas, to downstate Indiana."

Mitch arrived in Boston on April 23rd, after thirty-two days of riding through twelve states—California, Arizona, New Mexico, Texas, Kansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, and Massachusetts. They averaged 100 miles a day, with the longest being about 128 miles. The amount he raised for the Epilepsy Foundation was just under \$100,000.

Alumni

2005 Graduates

THE UNIVERSITY OF CHICAGO LAW SCHOOL CLASS OF 2005 LIST OF HONORS

HIGHEST HONORS

Tacy Fletcher Flint

HIGH HONORS

Brian Martin Carey
Felicia Heywood Ellsworth
Linda Robin Friedlieb
Emily Macy Leung
Eric Dean McArthur
Eric Earl Murphy
Brenton Adam Rogers
Dexter David John Samida

ORDER OF THE COIF

Brian Martin Carey
Paul Alexander Clark
Kelsi Brown Corkran
Melody Nichole Drummond
Felicia Heywood Ellsworth
Tacy Fletcher Flint
Roger Allan Ford
Linda Robin Friedlieb
Benjamin Harvey Glatstein
Brian Campbell Hill
Daniel Joseph Hoying
Terrell Joseph Iandiorio
Ian Lampl

Emily Macy Leung
Eric Dean McArthur
Eric Earl Murphy
Gregory Elliot Pessin
Brenton Adam Rogers
Samuel Reed Rutherford
Dexter David John Samida
Joel David Whitley

HONORS

Julie Ciamporcero Accardi
Samuel Lamar Bray
Gene Chang

Mark Daniel Davis
Thad Willbern Davis
Leah Ann Epstein
Sean Christopher Griffin
Ranjit James Hakim
Andrew Hawken Hall
Thekla Hansen-Young
Wonbin Kang
Timothy Andrew Karpoff
John Seungbum Kim
William Joseph Martin III
Scott Randal Rauscher
Jessica Shay Robinson
John Jay Rodkin

Brian Douglas Rubens
Troy Arthur Rule
Angela Rohman Russo
Jennifer Lynn Russo
Steven Joseph Seem
Benjamin Douglas Sirota
Catherine Joy Spector
Sarah Ann Sulkowski
Joel David Thompson
Patrick James Valley
Jennifer Margaret Walsh
Victor Weitao Zhao

THE UNIVERSITY OF CHICAGO LAW SCHOOL GRADUATING CLASS OF 2005

For the Degree of Master of Laws

Rafael Arribas Velasco
Vito Auricchio
Eduardo Baeza Perez-Fontan
Sylviane Bartholomeeusen
Michael Beurskens
Beatrice Bihl
Adrian Bingel
David Carmona Parent
Ruoying Chen
Zarja Cibej
Bart Creve
Maria Candida de Paula Machado
Alan Devlin
Regula Fehlmann
Benedetto Fiorillo
Luca Frignani
Gaewgarn Fuangtong
Siska Ghesquiere
Neta-Li Gottlieb
Katrin Hallgrimsdottir
Holger Hohmann
Malene Holst
Richard Hooker
Kanok Jullamon
Markus Kaeplinger
Sabine Kempelmann
Takeshi Komatsu
Mien-Hsuan Lai
Jacob Levy
Daniel Leza
Rodrigo Lima Netto
Sergio Machado
Corrado Malberti
Gennaro Mallardo
Felipe Moro Vargas
Tomoko Nakajima
Juan O'Gorman Merino
Bruno Peixoto
Flavia Pereira
Rodrigo Quintana Kawage
Maureen Ravilet Llanos
Jong Kyun Shin
Vera Sopena Blanco
Luis Soto Gajardo
Gudrun Stangl
Julia Stunz
Kiyofumi Takata
Hironobu Tsukamoto
Carlos Ugaz Montero
Sarah Verschaeye
Erkki Virkkunen
Michael Wejp-Olsen
Isabela Xavier

For the Degree of Doctor of Jurisprudence

Thalweelap Rittapirom

For the Degree of Doctor of Law

Ross Abbey
Julie Accardi
Nancy Afrasiabi
Fatima Ahmad
Alyshea Austern
Ivo Austin
Ceylan Ayasli
Salma Bakht
Raegan Barnes
Joseph Bartels
Paul Basilius
David Benner
Julia Bennett
Kyle Bennion
Michael Berger
Rachel Blitzter
Gautham Bodepudi
John Bolinger III
Benjamin Bradford
Samuel Bray
Todd Broberg
Carmen Candia
Yoaldena Canela
Brian Carey
George Carroll
Robert Cassidy III
Gene Chang
Emily Chatterjee
Brenda Chen
Brigham Cheney
Clarence Cheuk
Melissa Chiang
Michael Chung
Paul Clark
Andrew Corcoran
Kelsi Corkran
Radu Costinescu
Vanessa Countryman
Michael Crandall
Sebastian Cucullu
Shaudy Danaye-Elmi
Mark Davis
Thad Davis
Ellen De Los Santos

Brett Doran
Shawna Doran
Brian Downing
Catherine Doyle
Melody Drummond
Dawn Duffy
Peter Eatherton
Averil Edwards
Scott Eisenberg
Felicia Ellsworth
Leah Epstein
Benjamin Fanger
Tacy Fletcher Flint
Roger Ford
Julia Forte
Mariana Franca Pereira
Linda Friedlieb
Gabriel Galloway
Farah Gerdes
Chad Gerson
William Gibson
Michael Giel
Daniel Gilbert
Benjamin Glatstein
James Golden
Thomas Gower
Ryan Green
Brody Greenwald
Elizabeth Grenley
Sean Griffin
Clinton Grusd
William Guthrie
Elizabeth Gutierrez
Ranjit Hakim
Andrew Hall
Jessica Hall
Thekla Hansen-Young
Jennifer Harris
Megan Hennessy
Mustafa Hersi
Brian Hill
Ranbir Hira
Jackson Ho
Tienlon Ho
Michael Hoes
Christian Holland
Bethany Hollister
Sarah Horvitz
Daniel Hoying
Juliet Huang
Terrell Iandiorio
Andrew Janis
Kristy Johnson
Shannon Jones
Bryan Jung
Sheila Kadagathur
Laura Kamienski
Wonbin Kang

Timothy Karpoff
Andrew Keller
Lindsay Kelly
John Kim
Alexander Kipnis
Neil Klein
Estee Konor
Michael Kremenak
John Krocak
Andrew Lamb
Ian Lampl
Michael LaRosa
Rhett Larson
Holning Lau
Lennette Lee
Emily Leung
Marissa Leung
Daniel Levine
Thomas Levinson
Rachel Levy
Carol Lin
Christy Lin
William Lytton IV
Mehul Madia
Jenny Maldonado
Meghashyam Mali
Brianna Marriott
William Martin III
Gavin Martinson
Elianna Marziani
Goldburn Maynard, Jr.
Eric McArthur
Graham McCahan
Mary McKinney
Mark Merrell
Eric Mersmann
Monica Millan
Jennifer Miller
Eric Murphy
Jennifer Myers
David Neil
Hartley Nisenbaum
David Nowaczewski
Robin Nunn
Marisa Office
SeHoon Oh
Greg Ostrander
Gregory Pessin
Kathleen Pessolano

Mark Pickering
Emily Popp
David Potterbaum
LaMarr Poulton
Sarah Powers
Sruti Prakash
Misho Protic
Deborah Pugh
Stefan Quick
Jennifer Raisor
Simon Rasin
Mashhood Rassam
Scott Rauscher
Kavitha Reddy
Sarah Reynolds
Jessica Robinson
Christine Roch
John Rodkin
Brenton Rogers
James Routson
Brian Rubens
Johne Rui
Troy Rule
Angela Russo
Samuel Rutherford
Jennifer Sallman
Dexter Samida
Naria Santa Lucia
Alicia Schmitt
Steven Seem
Steven Seitz
Michael Sew Hoy
Ahsan Shaikh
Adam Sherman
Anand Sheth
Benjamin Sirota
Meghan Skirving
Franita Smith
Catherine Spector
Carli Spina
Sarah Sulkowski
Gargi Talukder
Wernsen Tan
Joel Thompson
Epaminontas Triantafyllou
Tamer Tullgren
Asma Uddin
Joseph Urwitz
Patrick Valley
Michael Vermeylen
Jennifer Walsh
Tiffany Walsh
Elizabeth Wang
Julie Weber
Joel Whitley
Charlene Yaneza
Victor Zhao
Adam Zylstra

WHERE ARE THEY NOW?

*Indicates an LLM degree, ** indicates JD/MBA. Otherwise, graduates received a JD

ALASKA

Anchorage

Paul Clark
Justice Robert Eastaugh
Alaska Supreme Court

Fairbanks

Carli Spina
Judge Andrew Kleinfeld
United States District Court,
District of Alaska

ARIZONA

Phoenix

Rhett Larson
Perkins Coie LLP

CALIFORNIA

Costa Mesa

Brigham Cheney
Paul, Hastings, Janofsky &
Walker LLP

Irvine

Ahsan Shaikh
Knobbe Martens Olson &
Bear LLP

Los Angeles

Gene Chang
Latham & Watkins LLP

Brian Downing
Proskauer Rose LLP

Sarah Powers (nee Fleisig)
Gibson, Dunn & Crutcher LLP

Bethany Hollister
Sheppard, Mullin, Richter &
Hampton LLP

Holning Lau
UCLA School of Law

Christy Lin
Sidley Austin Brown & Wood LLP

Jennifer Myers**
Proskauer Rose LLP

Sehoon Oh
Irell & Manella LLP

Anand Sheth
Anand Diamonds

Joel Whitley
Munger, Tolles & Olson LLP

Menlo Park

Michael Larosa
Davis Polk & Wardwell

Johnee Rui
Heller Ehrman White &
McAuliffe LLP

Mountain View

Mashhood Rassam
Fenwick & West LLP

Newport Beach

Kyle Bennion
O'Melveny & Myers LLP

Andrew Hall
O'Melveny & Myers LLP

Palo Alto

Alan Devlin*
Stanford Law School

Farah Gerdes
Wilson Sonsini Goodrich & Rosati

Pasadena

Brenton Rogers
Judge Pamela Rymmer
United States Court of Appeals
for the Ninth Circuit

Steven Seem
Judge Cynthia Hall
United States Court of Appeals
for the Ninth Circuit

San Francisco

Shaudy Danaye-Elmi
Howard, Rice, Nemerovski,
Canady, Falk & Rabkin

Tienlon Ho
Latham & Watkins LLP

Gargi Talukder
Sonnenschein Nath &
Rosenthal LLP

San Mateo

Hironobu Tsukamoto*
Weil Gotshal & Manges

Santa Cruz

Elizabeth Wang
ACLU

Santa Rosa

Ivo Austin
Lanahan & Reilly LLP

CONNECTICUT

Stamford

Robin Nunn
Judge Barrington D. Parker, Jr.
United States Court of Appeals
for the Second Circuit

DISTRICT OF COLUMBIA

Fatima Ahmad
Pillsbury Winthrop Shaw
Pittman LLP

Lindsay Androski-Kelly
(nee Androski)
Judge Paul R. Michel
United States Court of Appeals
for the Federal Circuit

Emily Chatterjee
Heller Ehrman White &
McAuliffe LLP

Kelsi Corkran
Judge David Tatel
United States Court of Appeals
for the District of Columbia Circuit

Radu Costinescu
Gibson, Dunn & Crutcher LLP

Roger Ford

Covington & Burling

Daniel Gilbert
White & Case LLP

Sean Griffin
Sidley Austin Brown & Wood LLP

Sheila Kadagathur
Baker Botts LLP

Andrew Lamb
Covington & Burling

Mehul Madia
O'Melveny & Myers LLP

Kathleen Pessolano
O'Melveny & Myers LLP

Epaminontas Triantafilou
White & Case LLP

DELAWARE

Georgetown

William Guthrie
Court of Chancery

FLORIDA

Daytona Beach

Michael Giel
Judge Emerson Thompson, Jr.
Fifth District Court of Appeal
of Florida

Miami

Jennifer Sallman
Miami-Dade County Attorney's
Office

Asma Uddin
Greenberg Traurig LLP

GEORGIA

Atlanta

Leah Epstein
Judge Phyllis Kravitch
United States Court of Appeals
for the Eleventh Circuit

Jennifer Miller
King & Spalding LLP

Samuel Rutherford
Alston & Bird LLP

ILLINOIS

Chicago

Nancy Afrasiabi
Wildman, Harrold, Allen &
Dixon LLP

Ceylan Ayasli
Kirkland & Ellis LLP

Paul Basilius
Wildman, Harrold, Allen &
Dixon LLP

Gautham Bodepudi
McDonnell, Boehnen, Hulbert &
Berghoff

Todd Broberg

Kirkland & Ellis LLP

Yoaldena Canela
Winston & Strawn LLP

Brian Carey
LaSalle Capital Group, Inc.

Ruoying Chen*
University of Chicago Law
School

Michael Crandall
DLA Piper Rudnick Gray Cary

Thad Davis
Kirkland & Ellis LLP

Brett Doran
Latham & Watkins LLP

Shawna Doran
Gardner, Carton & Douglas

Henry Dorn
Audience Research International

Catherine Doyle
Foley & Lardner LLP

Melody Drummond
Kirkland & Ellis LLP

Dawn Duffy
Jenner & Block LLP

Peter Eatherton
Sidley Austin Brown & Wood LLP

Averil Edwards
Winston & Strawn LLP

Tacy Flint
Judge Richard Posner
United States Court of Appeals
for the Seventh Circuit

Linda Friedlieb
Judge Diane Wood
United States Court of Appeals
for the Seventh Circuit

James Golden
Kirkland & Ellis LLP

Ryan Green
Winston & Strawn LLP

Elizabeth Gutierrez
Wildman, Harrold, Allen &
Dixon LLP

Ranjit Hakim
Judge Rebecca Palmeyer
United States District Court,
Northern District of Illinois

Mustafa Hersi
Winston & Strawn LLP

Michael Sew Hoy
Judge A. Benjamin Goldgar
United States Bankruptcy Court,
Northern District of Illinois

Juliet Huang
Chapman & Cutler LLP

Terrell Iandiorio
Judge Milton Shadur
United States District Court,
Northern District of Illinois

Kristy Johnson
Sidley Austin Brown & Wood LLP

Shannon Jones
Corporation for Supportive
Housing

Alexander Kipnis

Stein, Ray & Harris LLP

Neil Klein

Skadden, Arps, Slate, Meagher &
Flom LLP

Michael Kremenak

Skadden, Arps, Slate, Meagher &
Flom LLP

John Krocak
Kirkland & Ellis LLP

Thomas Levinson
Sachnoff & Weaver, Ltd.

Carol Lin

Wildman, Harrold, Allen &
Dixon LLP

William Lytton
Latham & Watkins LLP

Brianne Marriott
Fisher & Phillips LLP

Graham McCahan
City of Chicago

David Neil

ShoreBank Advisory Services

Greg Ostrander
Perkins Coie LLP

Deborah Pugh
Sidley Austin Brown & Wood LLP

Sarah Reynolds
Mayer, Brown, Rowe & Maw LLP

Jessica Robinson
Sidley Austin Brown & Wood LLP

Angela Russo
Kirkland & Ellis LLP

Dexter Samida
Judge Frank Easterbrook
United States Court of Appeals
for the Seventh Circuit

Naria Santa Lucia
Kirkland & Ellis LLP

Adam Sherman
McDermott Will & Emery

Franita Smith
Judge Ruben Castillo
United States District Court,
Northern District of Illinois

Catherine Spector
Sachnoff & Weaver, Ltd.

Joel Thompson
Sidley Austin Brown & Wood LLP

Tamer Tullgren
Bell, Boyd & Lloyd LLC

Jennifer Walsh
Sidley Austin Brown & Wood LLP

Tiffany Walsh
United States Court of Appeals
for the Seventh Circuit

Julie Weber
Sidley Austin Brown & Wood LLP

Charlene Yaneza
Sidley Austin Brown & Wood LLP

Adam Zylstra
Hoogendoorn & Talbot, LLP

Alumni

2005 Graduates

WHERE ARE THEY NOW? *continued*

* Indicates an LL.M. degree. Otherwise, graduates received a J.D.

East Saint Louis

Chad Gerson

Judge Michael Reagan
United States District Court,
Southern District of Illinois

KANSAS

Overland Park

Michael Hoes

Spencer Fane Britt & Browne, LLP

LOUISIANA

Thekla Hansen-Young

Judge Helen Berrigan
United States District Court,
Eastern District of Louisiana

MASSACHUSETTS

Boston

Julie Accardi

Judge Scott Kaffer
Massachusetts Court of Appeals

Mark Davis

Judge Mark Wolf
United States District Court,
District of Massachusetts

Felicia Ellsworth

Judge Michael Boudin
United States Court of Appeals
for the First Circuit

Jackson Ho

Fish & Richardson PC

Elianna Marziani

Goodwin Procter LLP

Patrick Vallely

Foley Hoag LLP

MICHIGAN

Detroit

David Nowaczewski

Bodman LLP

MINNESOTA

Minneapolis

Ross Abbey

Robins, Kaplan, Miller &
Ciresi LLP

George Carroll

Robins, Kaplan, Miller &
Ciresi LLP

MISSISSIPPI

Jackson

Megan Hennessy

Judge Edith Brown Clement
United States Court of Appeals
for the Fifth Circuit

Scott Rauscher

Judge Rhessa Barksdale
United States Court of Appeals
for the Fifth Circuit

NEVADA

Las Vegas

Gavin Martinson

Judge Robert Jones
United States District Court,
District of Nevada

NEW JERSEY

Princeton

William Gibson

Dechert LLP

NEW YORK

New York City

Alyshea Austern

Wilmer Cutler Pickering Hale
and Dorr LLP

David Benner

Willkie Farr & Gallagher LLP

Julia Bennett

Shearman & Sterling LLP

Michael Berger

Paul, Weiss, Rifkind, Wharton &
Garrison LLP

Rachel Blitzer

Skadden, Arps, Slate, Meagher &
Flom LLP

Carmen Candia

Alston & Bird LLP

Robert Cassidy

Latham & Watkins LLP

Brenda Chen

Clifford Chance LLP

Sebastian Cucullu

Morgan, Lewis & Bockius LLP

Julia Forte

Sidley Austin Brown & Wood LLP

Mariana Franca Pereira

Debevoise & Plimpton LLP

Elizabeth Grenley

Dewey Ballantine LLP

Ranbir Hira

Clifford Chance LLP

Sarah Horvitz

Skadden, Arps, Slate, Meagher &
Flom LLP

Andrew Janis

Office of Legal Counsel, New
York

Wonbin Kang

Cleary Gottlieb Steen &
Hamilton LLP

Andrew Keller

Cadwalader Wickersham &
Taft LLP

Estee Konor

Schulte, Roth & Zabel LLP

Ian Lampl

Cravath, Swaine & Moore LLP

Marissa Leung

Kramer Levin Naftalis &
Frankel LLP

William Martin

Judge Kevin Castel

Goldburn Maynard

Columbia University School of
Journalism

Marisa Office

Simpson Thacher & Bartlett LLP

Juan O'Gorman Merino*

Sidley Austin Brown & Wood LLP

Gregory Pessin

Wachtell, Lipton, Rosen & Katz

Emily Popp

Dewey Ballantine LLP

David Potterbaum

Cadwalader Wickersham &
Taft LLP

Misho Protic

Skadden, Arps, Slate, Meagher &
Flom LLP

Stefan Quick

Davis Polk & Wardwell

Simon Rasin

Shearman and Sterling LLP

Kavitha Reddy

Boies, Schiller & Flexner LLP

Christine Roch

Katten Muchin Rosenman LLP

James Routson

Lehman Brothers, Inc.

Steven Seitz

Latham & Watkins LLP

Benjamin Sirota

Debevoise & Plimpton LLP

Meghan Skirving

Dewey Ballantine LLP

Mariano Soto*

Cleary Gottlieb

OHIO

Akron

Daniel Levine

Judge Deborah Cook
Ohio Supreme Court

Columbus

Brian Rubens

Judge Jeffrey Sutton
United States Court of Appeals
for the Sixth Circuit

Cincinnati

Daniel Hoying

Taft, Stettinius and Hollister, LLP

Toledo

Timothy Karpoff

Judge James Carr
United States District Court,
Northern District of Ohio

OREGON

Portland

Benjamin Glatstein

Judge Diarmuid O'Scannlain
United States Court of Appeals
for the Ninth Circuit

PENNSYLVANIA

Altoona

Brian Hill

Judge D. Brooks Smith
United States District Court,
Western District of Pennsylvania

Pittsburgh

Mary McKinney

Judge Joseph F. Weis
United States Court of Appeals
for the Third Circuit

Alicia Schmitt

Reed Smith

TEXAS

Dallas

Christian Holland

Gibson, Dunn & Crutcher LLP

Houston

Ellen De Los Santos

Fulbright & Jaworski LLP

Lennette Lee

Baker Botts LLP

Mark Merrell

Andrews Kurth LLP

Victor Zhao

Mayer, Brown, Rowe & Maw LLP

Laredo

Sarah Sulkowski

Judge Keith Ellison
United States District Court,
Southern District of Texas

San Antonio

Vanessa Countryman

Judge Emilio Garza
United States Court of Appeals
for the Fifth Circuit

UTAH

Salt Lake City

Samuel Bray

Judge Michael McConnell
United States Court of Appeals
for the Tenth Circuit

Lamarr Poulton

Kirton & McConkie

VIRGINIA

Alexandria

Eric McArthur

Judge Michael Luttig
United States Court of Appeals
for the Fourth Circuit

Charlottesville

Eric Murphy

Judge J. Harvie Wilkinson
United States Court of Appeals
for the Fourth Circuit

Richmond

Ellen Porter

Hunton & Williams LLP

WASHINGTON

Seattle

Troy Rule

Preston Gates & Ellis LLP

INTERNATIONAL

BELGIUM

Brussels

Sylviane Bartholomeeusen*

NautaDutilh

BRAZIL

Belo Horizonte

Bruno Peixoto*

Lanna Peixoto & Queiroz

Sao Paulo

Bruno Peixoto*

Lanna Peixoto e Queiroz
Advogados

CHINA

Hong Kong

Clarence Cheuk

Skadden, Arps, Slate, Meagher
& Flom LLP

Germany

Duesseldorf

Michael Beurskens*

Juristische Fakultät
Heinrich-Heine Universität

Frankfurt

Sabine Kempelmann

Funke*

Cleary, Gottlieb, Steen &
Hamilton LLP

Lubeck

Julia Stunz*

Prosecutor's Office

ITALY

Milan

Luca Frignani*

Chiomenti Studio Legale

Rome

Vito Auricchio*

Gianni, Origoni, Grippo & Partners

JAPAN

Tokyo

Jennifer Raisor

Paul, Weiss, Rifkind, Wharton &
Garrison LLP

PERU

Lima

Carlos Ugaz*

Suez Energy

SPAIN

Madrid

Vera Sopena Blanco*

Garrigues

SOUTH KOREA

Seoul

Jong Kyun Shin*

Kim, Chang & Lee

TAIWAN

Taipei

Mien-Hsuan (Michelle) Lai*

Russin & Vecchi

THAILAND

Bangkok

Kanok Jullamon*

Ministry of Justice

VIRGIN ISLANDS

St. Thomas

Joseph Bartels

Judge Curtis V. Gomez
District Court of the United
States Virgin Islands

PLAYING BALL WITH THE LAW SCHOOL

Alumni of the Black Law Students Association gathered with friends and current BLSA members to enjoy the White Sox win over the Los Angeles Angels 5-4 on May 31, 2005. Thanks to the efforts of Perri Imer, '91, Linda Chatman, '89, and Kevin Freeman, '95, nearly fifty people had the opportunity to network and share stories about their time at the Law School.



2004-2005 BLSA president Annette Moore, '06, and 2005-2006 BLSA president Christina Gibson, '07



Jason Ewart, '07, Amani Farid, '07, Sarah Walker, '06, and Kameron Matthews, '06



Isaiah Franklin and Jill Willis, '84



Kevin Morris, '02



Dean Saul Levmore, Harold Kaplan, '75, Linda Chatman, '89, Kevin Freeman, '95, and Perri Imer, '91



Keely Stewart, '06, John Rogers, Sharon Fairley Rogers, '06, and Annette Moore, '06



Byron Taylor, '90, Perri Imer, '91, and Dana O'Banion, '91

SAVE THE
REUNION WEEKEND



DATE
MAY 5-7,
2006